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# RECOLLECTIONS

OF THE

# COURT ROOM,

OR,

Narratives, Scenes and Anecdotes

FROM COURTS OF JUSTICE.

BY

PETER BURKE, ESQ.,

OF THE INNER TEMPLE, BARRISTER AT LAW.

I'll show thee wondrous things—  
Complots of mischief, treason ; villainies  
Ruthful to hear, yet piteously performed.

SHAKESPEARE

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NEW-YORK :

H. DAYTON, No. 107 NASSAU STREET.

INDIANAPOLIS, IND. : DAYTON & ASHER.

1859.



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J. J. REED, PRINTER & STEREOTYPY,  
43 Centre Street.

## PREFACE.

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THE popularity of the "Recollections of the Court Room" in England, has induced the American publishers to issue the work uniform with the series of tales known as "The Confessions of an Attorney," "Experiences of a Barrister," etc. ; works which have had extraordinary success. This edition is not an exact reprint of the English one ; many errors, to be attributed to haste, have been corrected ; much matter, of a local interest merely, has been omitted, and several narratives, among which are those entitled Eugene Aram, The Force of Fear, The Unlawful Gift, etc., have been added. In addition to the fact that these tales are authentic, it is certain that their aim and tendency are good ; they are pure, and they are instructive as well as interesting.

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## TWO SINGULAR CASES OF ISOLATED TREASON.

A thing devised by the enemy.—*Shakespeare.*

MUCH to palliate, much even to defend, may be urged in favor of the loyal traitors who supported the cause of the exiled Stuarts. Theirs was a mistake between the *rex de jure* and the *rex de facto*—their fidelity to one king was their only treason against the other. They bore no private hate nor malice ; of their sincerity, disinterestedness, and devotion, there could be no doubt ; and even their enemies are now inclined to forget their errors in recalling the gallantry and heroism they displayed. Treason, however, seldom bears so venial a shape ; and of all the species of this wicked and dangerous offence, few are more likely to hurt a country more than the two treacherous acts which form the subject of the following narrative. The baseness of the crime was increased in the earlier of these instances by the pecuniary views of the culprit. A melancholy interest notwithstanding attaches to offenders who, gentlemen in other respects, should so forget themselves in this. Pity, too, will be felt for the latter of them, whose faithlessness to his king was so cruelly matched by the system that was adopted to bring him to conviction.

The men who committed these treasons were Dr. Florence Hensey and the Rev. William Jackson. Nearly thirty years

elapsed between their respective crimes. To begin with the former of the two :

Florence Hensey was born in the county of Kildare, in Ireland. When very young, he came to England, and soon after went over to Holland, and was educated in the University of Leyden. He made great advances there in physic, science, and literature. He afterwards traveled to Switzerland, and continued some time at Berne, from whence he went to Italy, Spain, and Portugal. In these wanderings he gained a competent knowledge of Italian, Portuguese, and Spanish ; and his residence for some years at Paris enabled him to speak and write French with great fluency.

During his time abroad, he supported himself in the quality of a physician, and came over to England in hopes of settling here in that character ; but either from want of interest or sufficiently known merit to recommend him, he had not many patients of consequence or profit. This disappointment, and the following circumstance, led to his criminality. Dr. Hensey had continued a literary correspondence, after he left his university, with a fellow-student who resided at Paris, and who had got there into the office of the Minister for Foreign Affairs. Hensey, whether so induced of his own wrong, or through some previous hints, wrote to this man, on his appointment, a more than usual complimentary letter, informing him in general terms, " he should be glad of an opportunity of doing him any service that lay in his power, and executing any commission he might have in London." This invitation, his correspondent, probably from some prior understanding, constructed into a desire of commencing a system of criminal communication. He did not, however, think proper to hazard any statement until such time as he should be convinced of



the doctor's real intentions ; he wrote word back, "that he was infinitely obliged to him for the service he offered ; and that if he understood him rightly, their correspondence might be rendered more advantageous to both by changing their topics from literary to political." The doctor replied, "He was glad to find so discerning a man in his fellow-student ; and if he could obtain for him a recompense suitable to the trouble, he would endeavor to make his intelligence of the utmost importance." By the next post he received an answer, containing directions, and an appointment of five hundred livres (about twenty-five pounds sterling) a quarter.

The instructions were, to send lists of all British men-of-war, in and out of commission ; their condition, situation, the number of men on board each ; when they sailed, under what commanders, from what ports, and their destinations ; details of the actual number of British troops ; what regiments were complete, and which were recruiting ; where they were quartered or garrisoned ; the earliest accounts of any enterprizes against France ; plans of fortified places in England, America, and so forth. Mention was made of those persons to whom he was to address outwardly ; to some at Cologne, some at Hague, and some at Berne, in Switzerland ; and these parties were to forward his letters, under cover, from their respective localities, to Paris.

A fierce war, it should be observed, was at this time raging between France and England.

The doctor, far from satisfied with the stipend of his treason, nevertheless thought proper to accept it, in hopes by his merit to obtain a greater salary. With this view he endeavored to insinuate himself into the good graces of some of the clerks in the public offices, trusting through their means to gain

intelligence of what was transacted concerning naval and military affairs. Not finding in them, to their credit, any such treacherous disposition as animated him, he, after some fruitless efforts, gave over the attempt, fearing their zeal might induce them to make a discovery of any hints he might give of his designs. It was not found, on his detection, that he had had any connection with the clerks in public offices, as some have supposed.

Being frustrated in this project, Hensey used to frequent all the political coffee-houses about town. He commonly passed hours in silence at Thom's, in Devereux Court, the largeness of his peruke, and his solemn air, rendering him unsuspected among the medical gentlemen who resorted there. He often pushed himself into the back room at Old Slaughter's, and picked up as much prejudice and ill-natured remarks upon the situation and conduct of our affairs, as replenished a sheet for the next post. He plied at the Mount, under pretence of reading the *Hague Gazette*, though he had got it by heart before at the Exchange. He was a constant customer at the St. James's or at the Smyrna coffee-houses, on a council day; and never failed being at the Cocoa Tree, after the House was up. By these means he got acquainted with many particulars, even while, to many in authority, they remained secrets. It is confidently asserted, that it was resolved in council, so late as the 24th of July, 1758, to attack Rochefort, and that Hensey's letter of the 29th of the same month, told this resolution to France, when the purposed leaders of the expedition, General Sir John Mordaunt and Admiral Sir Edward Hawke, were still unacquainted with the intent of the British Government. Hensey never entered into any political controversies at his various haunts; but when there arose an abso-

lute necessity of giving his opinion, he always decided in favor of England. He thns was never suspected by those he conversed with, nor was he supposed guilty of any illegal practices by the inmates where he lodged. He had appointed a coffee-house near St. Clement's Church, for the receipt, under a fictitious name, of the letters he got from abroad ; bnt the commnications he sent, he incautiously put into the bag of the Post-Office bellman, who passed through Arundel Street : thus, once a suspicion was raised, his identification became not difficult. He had continued this rascally correspondence from the beginning of the year 1756, when the war broke out, until his apprehension, withont any material interruption ; writing in secret ink in a letter sometimes, and sometimes on the margin of a newspaper, such news and observations as would be useful to the enemy. In this manner, the examiners of the English Post-Office were deceived, imagining there was nothing more conveyed than the common intelligence of each individual letter or newspaper. At length his employers complained of the insignificance of his intelligence, and the necessity there was of extending his plan, otherwise they would discontinue his appointment, and actually threatened to dednet a guinea for every letter that did not transmit advice of importance. Their chiding epistle which was sent from Paris by the Hagne, presented nothing, seemingly, but a few wide lines, written upon the most trifling complimentary subjects, and was, therefore, after being opened at the Post Office, as many foreign letters then were, according to cnstom in time of war, resealed and conveyed to him to his fictitious direction. An answer came from him which was to go by Holland to Paris ; it appeared, upon examination, to be nothing but a common-place reply to the compliments ; but it really, as

afterwards turned out, from the copy seized in his bureau, represented that the small income was not sufficient to make him neglect his practice and seek such company as proper intelligence was to be obtained from. But the very simplicity of what did, at first sight, appear in this letter, caused suspicion, though not enough to stop it ; but, on another speedily arriving from the Hague, and bringing an immediate answer from the doctor, the Secretary of the Post-Office, sure of something more at the bottom than this silly trifling, bethought himself at last of holding the document to the fire, when, lo ! the secret came out. Many lines, written with lemon-juice between the wide black ones, plainly stood forth.

This letter, which was dated from Twickenham, after giving a very exact account of the state of the British finances, the condition of the fleet and army, their disposition, how many ships guarded, how many soldiers lined the coast of England, concluded with asserting that the only means of preventing the success of the expedition to Rochefort would be to make a powerful diversion upon the coast of England with a considerable force ; that by thus attacking the British in their very vitals, they might be engaged at home, and be prevented from sending a number of troops abroad sufficient to give them any real annoyance. The discovery of this letter unraveled the whole mystery at once. All letters directed as before were ordered to be stopped, and those that came from abroad were intercepted. The real person to whom they were directed was soon discovered, and his haunts were as speedily known. Hensey was arrested by a king's messenger, under a secretary of state's warrant. As soon as he was secured, his lodgings, at Mrs. Blount's, Arundel Street, in the Strand, were searched, where they found, in his bureau, twenty-nine rough draughts



of letters ; also his correspondence from his employers ; all written with lemon-juice, between the black lines. In those he had received from abroad were complaints of the insignificance of his intelligence, and how they were better served by a person who lived (or had lived) at Colchester. It was further objected in them that there was no need of acquainting them with what the Duke of Cumberland was doing in Germany, they being much earlier and better informed than he could inform them. The letters likewise contained instructions how to write with greater safety and despatch, by means of directing all the important information to his (Dr. Hensey's) brother, who served in the double capacity of Chaplain and Under-Secretary to the Spanish Minister at the Hague. These directions Hensey closely followed, as appeared by the rough draughts of his epistles, which latterly contained more important intelligence, as well with respect to the British fleets and armies, as to the secrets of the cabinet. Surprising it was how he could obtain all this ; nor was it attempted to be otherwise accounted for than by his frequenting coffee-houses where subjects of this nature were usually most spoken of. He gave intelligence of Admiral Holbourne's destination to America a few days after the admiral's instructions were signed ; and he was particularly minute with respect to the number of ships and troops on board, and with the time of their departure, &c. This improvement in his intelligence is to be attributed to the increase which his salary received ; for instead of five hundred livres a quarter, he was promised that sum every month ; and was also given to understand, that if there were any hopes of procuring intelligence of great consequence, not to spare expense, as he might assure himself of all possible encouragement. This rich treasonable endowment had but a short

duration. One month's increased salary was all he got, prior to his arrest ; and, as yet, he had profited little, for when he was taken into custody, his poverty was so great, that all his cash, both in his pocket and in his bureau, did not amount to a guinea.

Dr. Hensey was tried for high treason, at the bar of the Court of King's Bench in Westminster Hall, before the eminent William Murray, Earl of Mansfield, Chief Justice, and Sir William Denison, Sir Michael Foster, and Sir John Eardley Wilmot, Puisne Judges, on the 12th June, 1758. A great array of counsel appeared for the crown. Among them were the Attorney-General, Charles Pratt, afterwards Baron Camden and Lord Chancellor ; and the Solicitor-General, Charles York, also afterwards Lord Chancellor. The prisoner was defended by Mr. John Morton, afterwards Chief Justice of Chester, and the Hon. Thomas Howard, afterwards fourteenth Earl of Suffolk and seventh Earl of Berkshire. The case was clearly proved : but some points of law were raised by the accused's counsel. One argument was that all the letters read in court were addressed from London, and intercepted at the General Post Office, in Lombard St. ; and that, therefore, the indictment was wrong, as being laid in Middlesex ; but it appeared one of these letters was dated at Twickenham, and the court in consequence overruled this opposition, as well as the other objections of minor importance.

Dr. Hensey was found guilty, and a rule of court was made for his being brought up to receive sentence on the Wednesday following. He appeared accordingly, and, while Lord Mansfield pronounced the judgment of treason, the convict shed tears, turned pale, and trembled exceedingly. He begged a

fortnight to make proper preparation for his death ; the court granted him a month.

This prosecution had a bloodless conclusion.

Early on the morning on which Hensey was to have been executed, a respite came, and afterwards a reprieve, during the king's pleasure. The doctor continued, subsequent to this, above three years in Newgate, and then embarked for France, on obtaining a free pardon from the new king, George III. The escape from death of this traitor is as mysterious as the rest of the singular transactions in which he was engaged. It was at first supposed that he was respited that he might discover his accomplices, but as no such revelation was made, other reasons must be looked to for his pardon. One alleged cause is this : at the time Hensey was apprehended, his brother was Secretary and Chaplain to the Ambassador at the Hague, of the King of Spain, a monarch then in amity with England. To this brother he wrote an account of his misfortunes ; in consequence of which, the Spanish Ambassador at London was applied to by his Excellency at the Hague. Such representations to the English Ministry ensued, that the result was a reprieve ; though King George II., ever averse to interfering with the due execution of the law, could not be prevailed on to grant the culprit a free pardon. This mercy was only extended to him after the accession of George III.

Yet this story can hardly have been true ; for the interference of a chaplain to an embassy, or, indeed, any foreign authorities, was very unlikely to save such an offender. The problem will bear another solution. Might not the case have been that Hensey was a double traitor, really serving England by deceiving France ? The length of time the Post

Office let him go on, and the mildness of the proceedings against him on trial, such as the month to prepare for death, would lead to the presumption. Or, if that were not so, might not the doctor, after his arrest, have given such intelligence to the British Government, against his old employers, as would be of sufficient value to purchase his own immunity? At any rate, it is quite clear that something still remains to be explained in this dark and discreditable affair.

We now come to the second, and the far more to be pitied, of these two singular traitors. This was the Rev. William Jackson, a native of Ireland, and a clergyman of the Established Church, a man of most amiable disposition, and, strange to say, of high notions of chivalrous honor. His treason arose from his devotion to that cause which led to the Irish Rebellion of 1798; and his trial, the first for high treason that had taken place in Ireland during more than a century, was the awful prelude of many judicial tragedies to follow. Mr. Jackson, early in life, was a preacher at Tavistock Chapel, and a resident for several years in chambers in Lyon's Inn, London. The emolument of his clerical occupation not affording him sufficient subsistence, he applied his talents to literature, and for a considerable time edited a newspaper, in which capacity he made himself very conspicuous. He was a married man, and in private life bore an unblemished character; but he acquired an equivocal description of literary notoriety as the advocate of the celebrated Duchess of Kingston, in her controversy with Foote, the dramatic writer. During the course of the affair he had become acquainted with her grace's attorney, a man of the name of John Cockayne. Jackson was afterwards a sharer in the speculation of the Royalty Theatre, near Tottenham



Court Road, and was obliged, for a considerable time, to abscond, on account of the pecuniary difficulties the undertaking involved him in. At the beginning of the French revolution he went over to France, where he resided for several years, and recommended himself to the revolutionary authorities as a man of political information and talent. He was chosen to be the earliest agent in those negotiations between the French government and the disaffected Irish, which fill so important a place in the history of the ensuing years, and he was the first victim of a spy system, which was unfortunately too much relied on in the then policy of government. Early in 1794, Jackson was sent to England as a secret envoy from the *Comité de Salut Public*, instructed to inquire into and report upon the political condition and temper of Great Britain and Ireland, with especial reference to the probabilities of popular support in the event of a French invasion of propagandism and fraternity. On his arrival in London, he opened the object of his mission to Cockayne. Cockayne judging that the trade of government spy and informer was a safer and more lucrative business than treason, revealed the whole matter without delay to Mr. Pitt, and received the minister's instructions to attend Jackson to Ireland as a spy, (a king's messenger going with them as a second spy on both,) to aid and abet all his projects until they should be sufficiently matured to amount to legal treason in himself, and to the fixing of his accomplices. The proceeding was, as Mr. Grattan in his life of Curran cleverly calls it, "a voyage of discovery in search of treason."

The travelers landed in Ireland at the beginning of April, 1794. Their information acquired was of less importance and extent than their employer probably expected. The result

clearly shows that, whatever vague hopes and dim prospective anticipations might have begun to dawn on the minds of certain leaders, there did not exist in Ireland at this time any such thing as a French party, seeking domestic revolution through foreign intervention. Jackson's mission was unexpected by the popular leaders ; his very name was unknown to them ; he had not even an introduction to any individual of note or influence ; and his overtures were received, for the most part, with suspicion and distrust. His only political acquaintance in Ireland was the well-known Leonard M'Nally, a barrister, through whom alone he was enabled to effect that limited amount of mischief of which his visit was productive. It is not necessary to recount all the details of this weak and wicked business, such as the patriotic dinings at M'Nally's house, where Cockayne *would pretend to be asleep*, (only the shrewd footman could see "*the glistening of his eyes through his fingers*," ) while the guests were warming into treason over their wine—the prison colloquies with Rowan—the proposals of a French embassy to Theobald Wolf Tone—and the intercepted letters of Jackson to his employers. The result of one month's labor was that, on the 28th of April, Jackson was committed to Newgate on a charge of high treason, and there he remained nearly a year ; for, from various delays, caused both on his own application and that of the government, his trial did not take place until long after his commitment. It is but just to say that, during the whole of this period, he was treated with every possible indulgence, and was allowed the free enjoyment of the society of his friends and of his wife, who had traveled to and from England and Ireland in search of money and evidence to help him ; she was absent on such an errand when the trial occurred.

The following anecdote is indicative of Jackson's high honor, already alluded to. A short time before his trial, one of his friends remained with him to a late hour of the night. When he was about to depart, Mr. Jackson accompanied him as far as the place where the gaoler usually waited upon such occasions, until all his prisoners' visitors should have retired. They found the gaoler in a profound sleep, and the keys of the prison lying beside him. "Poor fellow !" said Mr. Jackson, taking up the keys, "Let us not disturb him ; I have already been too troublesome to him in this way." He proceeded with his friend to the outer door of the prison, which he opened. Here the facility of escaping naturally struck him. He became deeply agitated ; but, after a moment's pause, "*I could do it,*" said he, "but what would be the consequences to you, and to the poor fellow who has been so kind to me ? No ! let me rather meet my fate." He said no more ; but, locking the prison door again, returned to his apartment.

The trial for high treason of the unfortunate clergyman took place on the 23d April, 1795, at the bar of the Court of King's Bench, Dublin, before the well-known John Scott, Earl of Clonmel, Lord Chief Justice, and the puisne judges, Downes and Cumberland. As in the case of Dr. Hensey, a grand array of counsel was present. Arthur Wolfe, the Attorney-General, (afterwards the ill-fated Lord Chief Justice, Viscount Kilwarden ;) John Toler, the Prime Serjeant, (afterwards Lord Chief Justice, Lord Norbury ;) James Fitzgerald, the Solicitor General, and Messrs. Frankland and French, appeared for the Crown. The prisoner was defended by the famous John Philpot Curran, (afterwards Master of the Rolls ;) by Mr. Ponsonby, (afterwards Lord Chancellor ;)

and by Messrs. Guinness, M'Nally, Emmet, Burton, (an Englishman, and afterwards an Irish judge,) and Sampson.

The Attorney-General began the prosecution ; and dwelt at some length on the doctrine of treason, and especially on the point—which appeared to be correct at the time, though an Act of Parliament has since rectified the anomaly—that in Ireland one witness was sufficient to convict of treason, though two were required in England. He proceeded to substantiate the charges by evidence ; for which purpose he called Cockayne, the attorney, the only witness to the treason, who deposed that he had been for a series of years the law agent and intimate friend of Mr. Jackson, who, a few years since, went to France, where he resided for a considerable time. Soon after his return, Mr. Cockayne said Jackson called on him, and told him, in confidence, that he had formed a design of going to Ireland, to sound the people, for the purpose of procuring a supply of provisions, etc., from them, for the French, and requested him (the witness) to accompany him. Having accepted the invitation, he immediately waited on Mr. Pitt, and discovered to him the whole of Mr. Jackson's plans. The minister thanked him for the information, and hinted that, as the matter was to become a subject of legal investigation, it would be necessary for him to substantiate the allegations ; but this Mr. Cockayne wished to decline, on the principle that, if the prisoner should be convicted of high treason, he should lose by it three hundred pounds, in which sum he was indebted to him. This objection was soon removed by Mr. Pitt agreeing to pay him the money, provided he would prosecute to conviction. The witness thereupon accompanied Mr. Jackson to Ireland, for the purpose of making himself acquainted with his proceedings. Shortly after their arrival



in Dublin, where they lived together, the prisoner expressed a wish to be introduced to Mr. Hamilton Rowan, who was then confined in Newgate ; and at length, through the interference of a friend, he obtained an interview, at which Mr. Cockayne was present. In the course of conversation, the prisoner delivered two papers to Mr. Rowan, for the purpose of convincing him that he was a person in whom he might confide. From that time an intimacy took place between them. The witness always accompanied Mr. Jackson in his visits to Mr. Rowan, and constantly took a part in their conversation. They agreed, he said, that a person should be sent to France to procure a force to make a descent on Ireland, and Theobald Wolfe Tone was mentioned as a fit person for that purpose, who at first appeared to acquiesce, but afterwards declined the office. Dr. Reynolds was then proposed by Mr. Rowan, but objected to by the prisoner, as he did not understand the French language. It was, however, at length arranged the doctor should take the embassy; but in a short time he refused to enter into the business. On this it was agreed that Mr. Jackson should write several letters, which were directed for a Mr. Stone, of the firm of Lawrence & Co., London. These contained inclosures for houses at Hamburgh and Amsterdam, and some of them to the French agents. They described the situation of Ireland at the time, invited an invasion, and pointed out the proper places to land. These letters having been sent to the Post Office, the witness went to the Secretary, and informed him of the subject of them, on which they were detained. The plot matured thus far having been discovered, the prisoner was taken into custody.

The cross-examination of the wretch Cockayne, by Mr Curran, was very able ; part of it was as follows :

Mr. Curran.—You say you followed Jackson to Ireland, in order to counteract any schemes that he might have relative to sending provisions?—I did. I thought it my duty as a good subject, as having taken the oath of allegiance three times to the king; and that was my first reason for applying to government in England on the subject.

So your sole reason for undertaking this business was your having taken the oaths of allegiance?—That was my sole reason for my first application to government in England.

To whom did you apply?—To Mr. Pitt.

Jackson was your client at that time?—And had been so for many years.

And your old friend?—And my old friend.

Added to the duty of your allegiance, was there not some idea of benefit to yourself?—None.

No expectation?—I did not expect anything, nor do I expect anything.

There was no promise made of any?—None by Mr. Pitt, or any person, except what I shall now state. What passed between me and Mr. Pitt, I feel it my duty to state, if I am at liberty. I applied to Mr. Pitt, by letter, and acquainted him that there was in England this Mr. Jackson, who had come here, I believed—

Sir, I was asking you about a reward.—There was none but this. When I stated the circumstances to Mr. Pitt, I mentioned likewise, that Mr. Jackson owed me a considerable sum of money on the balance of an account; that if I interfered, and should be a sufferer thereby, I should think it hard, as to that sum which Jackson owed me.

Court.—To what amount was he your debtor?—About £300.

You mentioned that in your letter to Mr. Pitt?—No, in a conversation.

The amount I mean?—Yes. Mr. Pitt, I believe, made answer, “You must not be a loser.”

Mr. Curran.—What was the sum you told Mr. Pitt that he owed you?—About £300.

By virtue of your oath, was that the sum you mentioned?—I think so. The sum due to me was between £250 and £300.

Did you never tell anybody that you named £600 to Mr. Pitt as the debt?—Never to my knowledge.

So you then came over to Ireland with Jackson?—Yes.

You did not understand that you were to be paid this debt, in case you survived Jackson as a loyal subject?—By no means, as you put it.

Yet that was a very likely way to put it out of danger?—I did not think Mr. Jackson would ever be in the situation he is, or that I would ever be brought here as an evidence.

You are a practising attorney in England?—Yes.

You expected no reward for your interfering in this matter?—I expected to be paid my expenses in coming over here, as I would be paid in any other matter whatever.

So your evidence is, that you thought your old friend and client was going to do wrong, and you left your ordinary business in England, to come here to be a spy upon him for the ordinary expenses of any other witness?—Yes, Sir.

Did you ever obtain a pardon?—Yes.

Of what?—Of all treasons and misprisions of treasons committed in Ireland.

Did you ever get a pardon for any treasons committed in England?—No.

Were you originally a professional man ?—I never followed any other business.

Did your pardon go to any conviction for perjury ?—No ; I believe not—I forgot, or I would have put it in my pocket.

Were you ever tried for perjury ?—I was.

Perjury committed in what ?—In an affidavit that I swore.

Court.—When were you tried ?—In the year 1793.

Now, by virtue of the oath you have taken, did you ever tell anybody that the affidavit was in fact false ?—I must apply to the Court whether I ought to answer that question ?

The question is this, you have been indicted and tried for perjury ; now I ask, by virtue of your oath, did you confess since the trial, that you were guilty of that offence ?

Court.—You were acquitted ?—Yes, and I hope honorably.

Mr. Curran.—Is that your name ? [shows a paper.]—Yes.

You say you were acquitted honorably ?—I do say so, and I hope I was.

Now I ask you, by virtue of your oath, did you mention to any person that that affidavit was in fact false ?—I do not know how to answer that, [a laugh.] It is not laughing matter. I do not know how to answer it !

Why do you not know ?—I have been acquitted on that affidavit, and as honorably as any man could be.

Did you say it was false ?—My lords, I think it will be right for me to state some of the particulars of that indictment.

Mr. Curran.—Let him answer my question.

Earl of Clonmel.—I think he has a right to open the way for his answer by any explanations. Take your course, Sir.

Witness.—The indictment for perjury, against me was, because I swore that I attended at the Prothonotary's office



in the Temple, from one hour to another. It was in an action brought by an attorney of the name of Fletcher, against a client of mine. He could not support the action, and there was a summons to tax the costs. There was some dispute as to my charge for attendance. I swore I had attended at the Prothonotary's office from six to seven, on some business. The business was done, in fact, on the next day that my attendance was made; and the perjury was neither wilful nor corrupt. It was that I could not prove my attendance the complete hour; but the Court, on hearing that explanation, and seeing that I could gain nothing by it, directed my acquittal, and the Jury acquitted. There is a gentleman of high honor come here from England to vindicate me, and I hope the Court will hear him.

Mr. Curran.—Do you know Mr. Nailor?—Yes.

Did you ever tell him that the affidavit was false, in fact?—I have already stated to the Court how far it was not true. I incautiously swore that I attended an hour. I could not prove the attendance for the whole hour; the business being done the next day as completely as if the attendance had taken place, and being no advantage to me, or disadvantage to anybody else, I was acquitted.

I ask you again, did you tell Nailor that the affidavit was not true?—I dare say I did, so far as I say now. I always admitted it, and though I might have made two fatal objections to the indictment, I would not suffer my counsel to take advantage of them, because I was resolved to be acquitted or found guilty on the merits. There was a judgment stated, and they did not produce it. Mr. Garrow, who was my counsel, immediately said it was fatal, and so Mr. Mainwaring, the chairman, said, but I would not take advantage of it.

Had you ever any promise of reward from Mr. Pitt?—None but what I have mentioned.

Did you state to any one that you had?—No.

Did you state to Mr. Nailor that you had?—No.

Did you tell Nailor that you had told Mr. Pitt your debt was £600?—No, I would scorn it.

You would scorn either to come or to stay on any pecuniary motive?—I would, and I call this the severest day to my feelings that I ever saw.

The address of Curran for the prisoner was a perfect philippic, brilliant in its language, withering in its denunciation of the whole prosecution. When he came to Cockayne's evidence he spoke thus :—

“ And let me ask who that witness is? A man stating that he comes from another country, armed with a pardon for treasons committed in Ireland, but not in England whence he comes. What! were you never on a jury before? Did you ever hear of a man forfeiting his life on the unsupported evidence of a single witness, and he an accomplice by his own confession? What! his character made the subject of testimony and support! take his own vile evidence for his character. He was the foul traitor of his own client. What do you think now of his character? He was a spy upon his friend. He was the man that yielded to the tie of three oaths of allegiance, to watch the steps of his client for the bribe of government, with a pardon for the treasons he might commit; and he had impressed on his mind the conviction that he was liable to be executed as a traitor.—Was he aware of his crime? his pardon speaks it. Was he aware of the turpitude of his character? he came with the cure,—he brought his

witness in his pocket. To what? To do away an offence which he did not venture to deny; that he had incautiously sworn that which was false in fact, though the jury did not choose to give it the name of wilful and corrupt perjury. Gracious God! Is it then on the evidence of a man of this kind, with his pardon in his pocket, and his bribe—not yet in his pocket—that you can venture to convict the prisoner? He was to be taken care of. How so? Jackson owed him a debt. ‘I was to do the honorable business of a spy and informer, and to be paid for it in the common way; it was common *acreable* work—treason and conspiracy; I was to be paid for it by the sheet.’ Do you find men doing these things in common life?—I have now stated the circumstances by which, in my opinion, the credit of Cockayne ought to be reduced to nothing in your eyes. But I do not rest here. Papers were found in the chamber of Mr. Jackson—the door was open, and by the by that carelessness was not evidence of any conscious guilt—the papers were seized; that there were some belonging to Jackson is clear, because he expressed an anxiety about some that are confessed not to have any relation to the subject of this day’s trial. I asked Cockayne if he had any papers in Jackson’s room the night before he was arrested—he said not. I asked him if he had told any person that he had—he said not. Gentlemen, the only witness I shall call, will be one to show you that he has in that sworn falsely. And let me here make one observation to you, the strength and good sense of which has been repeated a hundred times, and, therefore, rests on better authority than mine. Where a witness swears glibly to a number of circumstances, where it is impossible to produce contradictory proof, and is found to fail in one, it shall over-

throw all the others. And see how strongly the observation applies here—he swore to a conversation with Jackson as to what he said and did, well knowing that Jackson could not be a witness to disprove that, unless the good sense of the jury should save his life, and enable him to become in his turn a prosecutor for the perjury. If on a point of this kind this man shall be found to have forsworn himself, it cannot occasion any other sentiment but this, that if you have felt yourselves disposed to give anything like credit to his evidence where he has sworn to facts which he must have known, it is the key-stone of the arch in his testimony, and if you can pluck it from its place, the remainder of the pile will fall in ruins about his head.”

His conclusion was in the following words :—

“I have before apologized to you for trespassing upon your patience, and I have again trespassed—let me not repeat it. I shall only take the liberty of reminding you, that if you have any doubt,—in a criminal case doubt should be acquittal,—that you are trying a case which, if tried in England, would preclude the jury from the possibility of finding a verdict of condemnation, it is for you to put it into the power of mankind to say, that that which should pass harmlessly over the head of a man in Great Britain shall blast him here;—whether life is more valuable in that country than in this, or whether a verdict may more easily be obtained here in a case tending to establish pains and penalties of this severe nature.”

Mr. Ponsonby followed for the prisoner in a dignified tone and elaborate argument; but all proved in vain, for while Lord Clonmel was summing up, Jackson himself fatally interrupted the Judge, and endeavored to explain some mysterious passages contained in the letters sworn to, as his, by Cockayne.

In doing so, the unfortunate man inadvertently acknowledged those letters to be in his handwriting, thus admitting the very point on which hung his chance of life. The jury, it afterwards appeared, would have acquitted him but for that. As it was, they found him guilty.

A week after his conviction, on the 30th April, 1795, Jackson was brought up for sentence, when a scene ensued, equaling in wretchedness and horror anything that is to be found in the records of public justice. The prisoner had taken poison, and came dying into court. Curran was not yet in his place when Jackson appeared; but the poor creature beckoned to his other counsel, McNally, to approach him, and making an effort to squeeze the advocate's hand, with a damp and nerveless clench, uttered in a whisper, and with a smile of mournful triumph, the last words of Pierre, in *Venice Preserved*, "We have deceived the Senate." Curran shortly after entered the court; he and the prisoner's other counsel having detected what they considered to be a legal informality in the proceedings, intended to make a motion in arrest of his judgment; but it would have been irregular to do so, until the counsel for the crown, who had not yet appeared, should first pray the judgment of the court upon him. During this interval, the violence of the prisoner's indisposition momentarily increased, and the Chief-Justice, Lord Clonmel, was speaking of remanding him, when the Attorney-General came in, and called upon the court to pronounce judgment of death upon him. Accordingly, "the Rev. William Jackson was set forward," and presented a spectacle equally shocking and affecting. His body was in a state of profuse perspiration; when his hat was removed, a dense steam was seen to ascend from his head and temples; minute and irregular movements of



convulsion were passing to and fro upon his countenance; his eyes were nearly closed, and, when at intervals they opened, discovered by the glare of death upon them, that the hour of dissolution was at hand. When called on to stand up before the court, he collected the remnant of his force to hold himself erect; but the attempt was tottering and imperfect: he stood rocking from side to side, with his arms, in the attitude of firmness, crossed over his breast, and his countenance strained by a last proud effort into an expression of elaborate composure. In this condition he faced all the anger of the offended law, and the more confounding gazes of the assembled crowd. The Clerk of the Crown now ordered him to hold up his right hand. The dying man disentangled it from the other, and held it up, but it instantly dropped again. Such was his state, when, in the solemn simplicity of judicial language, he was asked, "What he had now to say, why judgment of death and execution thereon should not be awarded against him, according to law?" Upon this Mr. Curran rose, and addressed some arguments to the court in arrest of judgment. A legal discussion of considerable length ensued. The condition of Mr. Jackson was all this while becoming worse. Mr. Curran proposed that he should be remanded, as he was in a state of body that rendered any communication between him and his counsel impracticable. Lord Clonmel thought it lenity to the prisoner to dispose of the question as speedily as possible. The windows of the court were thrown open to relieve him, and the discussion was renewed; but the fatal group of death-tokens were now collecting fast around him; he was evidently in his last agony. At length, while Mr. Ponsonby, who followed Mr. Curran, was urging further reasons for arresting the judgment, their client *sank in the dock*

Lord Clonmel then said : If the prisoner is in a state of insensibility, it is impossible that I can pronounce the judgment of the court upon him. If Sir Michael Foster had not even mentioned a like instance, (the case of an old woman brought up at the Old Bailey,) humanity and common sense would require that he should be in a state of sensibility.

Attorney-General.—On that ground I have no objection to his being remanded.

Here the prisoner becoming perfectly insensible, Dr. Thomas Waite, who was present in the court, was desired to go into the dock to him. He, after some examination, informed the Court, there was every apprehension he would go off immediately.

Mr. Thomas Kinsley, who was in the jury box, said he would go down to him ; he accordingly went into the dock, and in a short time informed the Court that the prisoner was certainly dying.

The court ordered Mr. Kinsley to be sworn.—He was sworn accordingly.

Lord Clonmel.—Are you in any profession ?

Mr. Kinsley.—I am an apothecary and druggist.

Lord Clonmel.—Can you say you understand your profession sufficiently, so as to speak of the state of the prisoner ?

Mr. Kinsley.—I can. I think him verging to eternity ; he has every symptom of death about him.

Lord Clonmel.—Do you conceive him insensible, or in that state as to be able to hear the judgment, or what may be said for or against him ?

Mr. Kinsley.—Quite the contrary. I do not think he can hear his judgment.

Lord Clonmel.—Then he must be taken away. Take care,

in sending him away, that you do not any mischief. Let him be remanded until further orders.

The Sheriff informed the court that the prisoner was *dead*.

Lord Clonmel.—Let an inquisition, and a respectable one, be held on the body. You should carefully inquire when and by what means he died.

The court then adjourned ; the body of the prisoner remaining in the dock, unmoved from the position in which he had expired, until the following day, when an inquest was held. A large quantity of poison was found in his stomach. It appeared in evidence that, on the morning of his being brought up for judgment, the wretched man had taken arsenic and aquafortis in his tea. The verdict of the jury leaving it uncertain as to who had prepared the deadly dose, spared the insults which law then awarded to the *felo de se*. There was a splendid funeral, attended by several barristers and members of parliament.

Upon this fearful scene, Mr. Harwood, in his History of the Irish Rebellion, from which, as well as from Grattan's Life of Curran, much of the above account is taken, makes the following remarks :

“We know not of anything in history, or in fiction, more sternly terrible and tragic than this : dry points and precedents of law debated in presence of a man in the agonies of a hideous death—writs and captions learnedly discoursed on, while arsenic and aquafortis were in active service of a process unknown to the law books—motion for arrest of judgment argued with nicest legal casuistry, while the culprit was already far on his way out of reach of all judgment except one—a dead man *remanded until further orders*.”

In the pocket of the deceased when he fell were found one



of his political pamphlets, and the following prayer in his own handwriting :—

“Turn Thee unto me, and have mercy upon me ; for I am desolate and afflicted !

“The troubles of my heart are enlarged : oh, bring Thou me out of my distresses !

“Look upon mine affliction and my pain, and forgive all my sins !

“Consider mine enemies, for they are many, and they hate me with a cruel violence !

“Oh, keep my soul, and deliver me. Let me not be ashamed, for I put my trust in Thee.”

In a little box left in the gaol, were a letter from his counsel, Mr. Ponsonby, and a miniature of his wife.

## FALSEHOOD FATALLY MADE USE OF BY INNOCENT MEN.

It has been holden as a rule in our law, that except there be direct testimony by witnesses, and not merely circumstantial proof of the killing, no person should be convicted of a murder, unless the body of the deceased has been found. One of the greatest judges, Sir Matthew Hale, has said, "I would never convict any person of murder or manslaughter, unless the facts were proved to be done, or at least the body be found." He gives his reason for coming to that conclusion, in the following brief, but startling narrative, which furnishes a great argument for the rule adopted, and which also affords a remarkable instance of how dangerous it is to attempt to protect truth with the shield of falsehood. Yet, such is the weakness of human nature, that the records of courts of justice have, on more occasions than one, shown how innocent men, finding themselves in situations of difficulty, and perhaps of danger, are sometimes induced to adopt a line of conduct which bears with it a presumption of guilt. The tale told by Hale is this :—

An uncle, who had the bringing up of his niece, to whom he was heir-at-law, correcting her for some offence, she was heard to say, "Good uncle, do not kill me," after which she could not be found. The uncle was committed on suspicion of having murdered her, and was admonished by the judge of the assize to find out the child by the next assizes. Being

unable to discover his niece, he brought another child dressed like his niece, and resembling her in person and years ; but, on examination, the fraud was detected, and upon the presumption of guilt which these circumstances afforded, he was found guilty and executed. The child afterwards reappeared, when of age to claim her land. On being beaten by her uncle, she had run away, and had been received by a stranger.

Various cases of the presumption of guilt, arising from the conduct of the accused party, may be found in the law-books. Another of these instances deserves relation here ; it being, indeed, extraordinary. A man confesses that he was party to the murder of one who turns out afterwards to be alive. Not satisfied with endangering his own life, he implicates his own mother and brother in his supposed guilt, and the three perish on the scaffold, the victims of a fabricated narrative. What could have been the wretch's motives for falsehood, as there is no proof that he was insane, has never been revealed. The facts are really so strange, that fiction would scorn to invent them ; their truth alone permits the report of them.

The story relates to a steward of one Lady Campden, a word or two about whom, by the way. This lady, Juliana, Viscountess Cambden, was the daughter and co-heiress of Sir Baptist Hicks, a famous silk mercer of the City of London, whose name is perpetuated by the house he erected at Clerkenwell, called Hicks's Hall, for the holding of the Quarter Sessions there. He was created Baron Hicks, and Viscount Campden, of Campden, in Gloucestershire, with special remainder to Edward, Lord Noel, who married his daughter Juliana. In a short time, the son-in-law and his wife succeeded to the honors ; and the former having died in 1643,

Lady Campden (who lived to the age of 100) was a widow when these dreadful incidents happened. But to the tale.

On the 17th of August, 1660, Mr. William Harrison, aged 70, steward to Lady Campden, walked from Campden to Charringworth, to receive her ladyship's rents. As he did not return at the usual time, his wife, about nine o'clock in the evening, sent her servant, John Perry, to meet him ; but neither Harrison nor the servant returned that night. On the following morning, Edward Harrison, son of the missing William Harrison, went towards Charrington, and meeting the servant Perry on the road, he learned that his father was not to be found there. They next went together to Ebrington, a village between Charringworth and Campden, where they were told by one Daniel, that a Mr. Harrison called at his house the previous evening, but only stayed there a few minutes. They then went to Paxford, about half a mile distant, where, hearing nothing of Mr. Harrison, they returned to Campden. On their road hither they accidentally heard that a hat, band, and comb, had been recently picked up by a poor woman, on the highway, between Ebrington and Campden. They therefore sought for the woman, in whose possession these articles were said to be, and having found her, and identified the hat, band, and comb to be the property of Harrison, they were conducted to the precise spot where they were picked up. Adjoining the road was a large furze field, which they searched, supposing that Mr. Harrison might have been murdered there, as the hat, band, and comb were much hacked, and the latter stained with blood. Their search was, however, in vain ; and the news soon reaching Campden, so alarmed the inhabitants, that men, women, and children, commenced a general search for Mr. Harrison, but with no success.

Mrs. Harrison's fears for her husband's safety now increased, and as her servant, Perry, whom she had sent the previous evening, had not duly returned, suspicion fell upon him as the murderer. On the next day, Perry was apprehended, and examined before a justice of the peace, concerning his master's absence, and his reason for staying from home all night, when he gave this account: that in consequence of his mistress sending him to meet his master between eight and nine o'clock in the evening, he went down Campden field towards Charringworth, where, meeting one William Reed, of Campden, he apprised him of the object of his journey; and further told him, that as it was growing dark he durst not venture on his journey on foot, but would return and saddle his young master's horse. He accordingly returned with Reed to Mr. Harrison's gate, where they parted. He (Perry) remained there till on one Pierce passing by, he joined him, walked a short distance into the fields, and returned with him also to Mr. Harrison's gate, where they also parted. That he, John Perry, then went into his master's hen-roost, where he lay about an hour, but slept not: that when the clock struck twelve he got up, and went towards Charringworth, till a great mist rising, he lost his way, and so lay the rest of the night under a hedge: that at the break of day on Friday morning, he proceeded to Charringworth, where he inquired for his master of one Edward Plaisterer, who told him that he had paid him twenty-three pounds on the previous afternoon, but that he remained with him only for a short time. He then called on one William Curtis, of the same town, who likewise informed him that he had heard of Mr. Harrison having been there the day previous, but being out he did not see him. Perry then returned home, it being about five



o'clock in the morning ; when on the road, he met his master's son, with whom he went to Ebrington and Packford, as before stated.

Reed, Piercc, Plaisterer, and Curtis in their examination, corroborated the whole of Perry's statement.

On Perry being asked by the justice why he was afraid to go to Charringworth at nine o'clock, and so willing to go at twelve, he replied, that at nine o'clock it was dark, but at twelve the moon shone. And on being further asked why, on returning home twice, after his mistress had sent him to meet Mr. Harrison, and staying till twelve o'clock, he did not inquire at home whether his master had returned before he went a third time to seek him, he answered, that he knew his master was not come home because he saw a light in his chamber window, which was very unusual during Mr. Harrison's absence from home. Notwithstanding this explanation, it was not thought prudent to discharge Perry till further inquiry was made after his master ; and accordingly he remained in custody six days, during which time he was again examined at Campden, but nothing further was elicited.

Various reports now obtained circulation ; one of which was, that Perry, on being again pressed to confess what he knew of the matter, said that a tinker had killed his master. He told others that a gentleman's servant of the neighborhood had robbed and murdered him ; and to others he said that he was murdered and hid in a certain bean rick, where search was made for the body, but in vain. At length, he promised to disclose the whole affair if he were examined by the justice before whom he had deposed his former statement. On Friday, the 24th of August, he was again examined, when, in reply to the question whether he would confess what had



On being asked whether it was thrown there, he replied, that he knew not ; bnt that his mother and brother having promised to dispose of it, he left them and went into the village of Campden. Here he met John Pierce, with whom he went into the fields, and returned to his master's gate ; after which he went into the hen roost, as before stated. Having brought with him his master's hat, band, and comb. after cntting them in pieces he threw them into the high road, that it might be believed that his master was murdered there.

Upon this confession and accusation warrants were issued against Joan and Richard Perry, the mother and brother of John Perry ; but all attempts to find the body proved ineffectual. On Saturday, Augnst 25, the three prisoners were examined, when Joan and Richard, on being confronted with John, denied the charge in the most positive terms ; as also an accusation made by John, of their having broken open Mr. Harrison's house, and robbed him of £140 in the previous year. At the next assizes two indictments, one for the robbery and another for the murder, were accordingly fonnd, against the three, as the body had not been found, the judge, Sir Christopher Turner, a Baron of the Excheqner, refused to try them for murder. They were, however, extraordinary to relate, induced to plead guilty to the indictment for the bnrglary. John still persisted in the story that his mother and brother had murdered Harrison, and further, that they had attempted to poison him while in prison.

At the following spring assizes, the jndge allowed the trial, on the more series indictment, to go on ; they were again pnt to the bar, before Sir Robert Hyde, Chief Jnstice of the Court of King's Bench, for the murder, and severally pleaded not guilty. When John's confession was produced in evidence,

become of his master, he said that he was murdered, but not by him. On the justice telling him that, if he knew him to be murdered, it was most probable that he knew the murderer, he confessed that he did ; and further that his mother and brother had murdered Mr. Harrison. The justice warned him of the serious nature of the charge, but he persisted in his assertion, which he justified by the following circumstances.

He deposed, that his mother and brother had depended on him ever since he entered into his master's service, telling him that it was in his power to relieve them, by apprizing them of the day on which Mr. Harrison went to collect his rents, when they proposed to way-lay him and rob him : that accordingly he acquainted his brother of the day, and walked with him a short distance on his leaving home to search for Mr. Harrison, in the evening ; that they then parted, but meeting again near Campden church, he proposed that his brother should pursue his master through some adjoining gardens, whilst he walked in the fields ; that he soon afterwards found his master on the ground in the middle of the garden, his brother leaning over him, and his mother standing beside him. On being asked whether his master was dead, he answered "No ;" and that after he came up to them, Mr. Harrison cried, " Ah ! rogues ! will you kill me ?" He now told his brother he hoped he would not kill his master, when he replied, " Peace ! peace ! you're a fool," and then strangled him : which being done, he took a bag of money out of Mr. Harrison's pocket and threw it into his mother's lap. Then he and his brother agreed to throw the body into a great sink by Wallington's Mill, behind the garden ; but his mother and brother requesting him to watch at a distance and listen if all were safe, they undertook to dispose of the body accordingly.

he said that he was mad at the time when such confession was made. They were, however, found guilty, and were executed shortly afterwards, on a hill near Campden, John Perry being hung in chains.

About two years subsequent to the execution of these unfortunate persons, Mr. Harrison returned to Campden in good health. As the case excited considerable interest, Mr. Harrison explained the whole of the circumstances which had thus detained him, in the following letter to Sir Thomas Overbury, a magistrate of the county of Gloucester, residing at Burton, near Campden.

FOR SIR THOMAS OVERBURY, KT.

HONORED SIR,

In obedience to your commands, I give you this true account of my being carried away beyond the seas, my continuance there, and return home.

On Thursday, in the afternoon, in the time of harvest, I went to Charringworth, to demand rents due to Lady Campden, at which time the tenants were busy in the field, and late before they came home, which occasioned my stay there till the close of the evening. I expected a considerable sum, but received only three-and-twenty pounds. In my return home, in the narrow passage amongst Ebrington Furzes, there met me one horseman, and said, "Art thou there?" And I, fearing he would have rode over me, struck his horse on the nose: whereupon he struck at me with his sword several blows, and ran it into my side: while I, with my little cane, made my defence as well as I could; at last another came behind me, ran me into the thigh, laid hold on the collar of my doublet, and drew me to a hedge near to the place, when

another came up ; they did not take my money, but mounted me behind one of them, drew my arms about his middle, and fastened my wrists together with something that had a spring lock to it, as I conceived : they then threw a great cloak over me, and carried me away. In the night they alighted at a hay-rick, which stood near to a stone pit, by a wall side, where they took away my money ; about two hours before day-break, as I heard one of them tell the other he thought it to be then, they tumbled me into a stone-pit ; they stayed, as I thought, about an hour at the hay-rick ; when they took horse again, one of them bid me come out of the pit. I answered they had my money already, and asked what they would do with me ? Whereupon he struck me again, drew me out, and put a great quantity of money into my pockets, and mounted me again after the same manner ; and on the Friday, about sunset, they brought me to a lone house upon a heath, by a thicket of bushes, where they took me down almost dead. When the woman of the house saw that I could neither stand nor speak, she asked them whether they had brought a dead man. They answered no ; but a friend that was hurt, and they were carrying him to a surgeon. She answered if they did not make haste, their friend would be dead before they could reach one. There they laid me on cushions, and suffered none to come into the room but a little girl. We stayed there all night, they giving me some broth. In the morning, very early, they mounted me as before ; and, on Saturday night, they brought me to a place where were two or three houses, in one of which I lay all night on cushions by their bed-side. On Saturday morning, they carried me from thence, and about three or four o'clock they brought me to a place by the sea-side called Deal, where they laid me down on the ground, and one of them



staying by me, the other two walked a little off to meet a man, with whom they talked, and in their discourse I heard them mention seven pounds ; after which they went away together, and after an hour returned. The man whose name, as I afterwards heard, was Wrenshaw, said he feared I should die before he could get me on board. They then put me into a boat, and carried me on shipboard, where my wounds were dressed. I remained in the ship, as near as I can reckon, about six weeks—in which time I was indifferently recovered of my wounds and weakness. Then came the master of the ship, and told me and the rest who were in the same condition, that he discovered three Turkish ships. We all offered to fight in defence of the ship and ourselves, but he commanded us to keep close, and said he would deal with them well enough. A little while after we were called up, and when we came on the deck we saw two Turkish ships close by us. Into one of them we were put and placed in a dark hole, where how long I continued before we were landed I know not ; when we were landed, they led us two days' journey and put us into prison, where we remained four days and a half. Eight men next came to view us, who seemed to be officers ; they called us and examined us of our trades, which every one answered. One said that he was a surgeon, another that he was a weaver, and I said that I had some skill in physic. We three were set by and taken by three of those eight men that came to view us. It was my chance to be chosen by a grave physician of eighty-seven years of age, who lived near to Smyrna, had formerly been in England, and knew Crowland in Lincolnshire, which he preferred before all other places in England. I was there about a year and three quarters, and then my master fell sick on a Thursday, and sent for me, and

calling me as he used by the name of Bell, told me he should die, and bid me shift for myself. He died on Saturday following, and I presently hastened to a port, almost a day's journey distant, when I addressed myself to two men, who came out of a ship belonging to Hamburgh, which, as they said, was bound for Portugal within two or three days.

I inquired of them for an English ship ; they answered there was none. I intreated them to take me into their ship ; but they durst not for fear of being discovered by the searchers, which might occasion the forfeiture, not only of their goods, but also of their lives. At length they took me on board, and placed me below in the vessel, and hid me with boards and other things, so that I lay undiscovered, notwithstanding the strict search that was made in the vessel. On arriving at Lisbon, in Portugal, as soon as the master had left the ship, and was gone into the city, they set me on shore moneyless, to shift for myself. I now met four gentlemen discoursing together ; after a while, one of them came to me, and spoke to me in a foreign language. I told him I was an Englishman. He then spoke to me in English, and told me that he was an Englishman himself, and born near Wisbeach, in Lincolnshire. I then related to him how I had been carried away, and my present condition ; upon which he took me along with him, and by his interest with the master of a ship bound for England, procured my passage, and commended me to the master of the ship, who landed me safe at Dover, from whence I proceeded to London, where, being furnished with necessaries, I came into the country. Having arrived at Crowland, I was told of the unhappy fate of my servant Perry, and his mother and brother ; what caused John so falsely to accuse them and himself I know not. He has not only brought his blood upon his



own head, but that also of his innocent mother and brother. For I never saw either of them that evening, nor do I know who they were that carried me away after that rude and barbarous manner.

Thus, honored Sir, I have given you a true account of my great sufferings and happy deliverance.

Your Worship's, in all dutiful respects,

WILLIAM HARRISON.

In account of this affair of the Perry's, published by one Rowland Reynolds, a bookseller in the Strand, in 1676, occur the following observations :—

“Many question the truth of this account Mr. Harrison gives of himself and his transportation, believing he was never out of England. But there is no question of Perry's telling a formal false story to hang himself, his mother, and his brother ; and since this, of which we are assured, is no less incredible than that of which we doubt, it may induce us to suspend hard thoughts of Mr. Harrison, till time, the great discoverer of truth, shall bring to light this dark and mysterious business. That Mr. Harrison was absent from his habitation, employment, and relations, near two years, is certain, and if not carried away (as he affirms) no probable reason can be given for his absence ; he living plentifully and happily in the service of that honorable family, to which he had been then related above fifty years, with the reputation of a just and faithful servant ; and having all his days been a man of sober life and conversation, cannot now reasonably be thought in his old age, so far to have misbehaved himself, as in such a manner voluntarily to have forsaken his wife, his children, and his stewardship, and to leave behind him (as he

then did) a considerable sum of his lady's money in his house. We cannot, therefore, in reason or charity, but believe that Mr. Harrison was forcibly carried away; but by whom, or by whose procurement, is the question. Those whom he affirms did it, he withal affirms never before to have seen; and that he saw not his servant Perry, nor his mother, nor his brother, the evening he was carried away; that he was spirited (as some are said to have been) is no ways probable, in respect he was an old and infirm man, and taken from the most inland part of the nation; and if sold, as himself apprehends he was, for £7, it would not recompense the trouble and charge of his conveyance to the sea-side. Some, therefore, have had hard thoughts of his eldest son, not knowing whom else to suspect, and believe the hope of the stewardship, which he afterwards (by the Lord Campden's favor) enjoyed, might induce him to contrive his father's removal, and this they are the more confirmed in, from his misbehavior in it. But, on the other side, it is hard to think the son should be knowing of his father's transportation, and, consequently, of these unhappy persons' innocency as to the murder of him, and yet prosecute them to the death, as he did, and when condemned, should be the occasion of their being conveyed above twenty miles, to suffer near Campden, and to procure John Perry, to be there hanged in chains, where he might daily see him, and himself to stand at the foot of the ladder, when they were all executed, as likewise he did.

“These considerations, as they make it improbable the son should be privy to his father's transportation, so they render the whole matter the more dark and mysterious, which we must therefore leave unto Him who alone knoweth all things, in his due time to reveal and bring to light.”

More than one hundred and seventy years have passed since the above remarks were written, yet no further revelation has cleared up this mysterious tale. The very story itself would, most probably, have, by this, set in oblivion, but that it stands, in our criminal annals, a landmark, to show how courts and ministers of justice, however able, may now and then be most fatally deceived and misled.

## A MURDER IN THE TIME OF THE CRUSADES.

THERE is, perhaps, no country or climate more beautiful than England, as seen in one of its rural landscapes, when the sun has just risen upon a cloudless summer's dawn. The very feeling that the delightful freshness of the moment will not be entirely destroyed during the whole day, renders the prospect more agreeable than the anticipated fiery advance of the sun in southern or tropical lands. Exhilaration and gladness are the marked characteristics of an English summer morning. So it ever is, and so it was hundreds of years ago, when occurred the events we are about to narrate. How lovely then, on such a morning as we allude to, looked that rich vale in the centre of Gloucestershire, through which the lordly Severn flows ! The singing of the birds, the reflective splendor of the silvery waters, the glittering of the dew as it dazzled and disappeared—all combined to charm sound, sight, and sense, and to produce a strong feeling of joy. But the horseman, who was passing through this graceful scene, scarcely needed the aid of any external object to enhance the pleasurable sensation that already filled his breast. The stately horse on which he sat, seemed, by its light steps, and by ever and anon proudly prancing, to share in the animation of its rider. So, the noble stag-hound that followed, and continually looked up contentedly at its master, appeared, likewise, a participator in the general content. The stranger

had indeed cause to rejoice, for he was upon the fairest errand. He had wooed and won the gentle heiress of a proud, but good-hearted Gloucestershire baron—he had wooed and won her, too, with the full consent of father, kinsmen, and friends, and he was now on his way to the baron's castle to arrange with his betrothed the ceremonial of the nuptials. Ride on, thou gallant knight, ride on, and swifter too; for though the day will be yet early when thou arrivest, thou wilt find thyself expected within the gothic enceinte of the Baron de Botetourt's dwelling. A banner waves from the topmost tower to do thee honor and welcome; there walks, too, by the battlements, one whose night has been sleepless because of thee, whose thoughts and whose whole existence centre in thee, whose look firmly attaches to the road that brings thee to her. Ride on then speedily, Sir Knight, to the happiness thy virtue and thy deeds have so well deserved.

This lover is no ordinary suitor: he is of mingled Saxon and Norman noble blood, the recent companion-in-arms of Richard Cœur de Lion. His name is Ralph de Sudley, and though he has passed his thirtieth year, the effect of long toil and war scarcely appears upon his handsome and still very youthful countenance. Yet the knight has seen and endured much: he has been with Richard at the siege and capture of Acre, and at the battle of Azotus. When Conrad of Montferrat fell by the dagger of the assassins, Sir Ralph took a prominent part in the stormy debates which ensued among the Crusaders. He even proposed with his men-at-arms, and those who would follow him, to invade the territory of the Lord of the Mountain, and to avenge in his blood the death which that king of murderers had caused to be done to Conrad. This event made so deep an impression on his mind, that he



still took every opportunity of urging upon his own and other Christian governments, the necessity of extirpating these Eastern assassins. On his return from the crusades, Sir Ralph found the daughter of his friend, the Baron de Bote-tourt, just verging into beauteous womanhood. The glory of his reputation, and the graces of his person, gained her heart at once ; the Lady Alianore, though much his junior in years, loved the knight fondly and devotedly.

Sir Ralph has reached the portcullis of the castle ; the wardour and men-at-arms are there to receive him with full honors, though he comes privately, without his armor or his followers : he wears the civil but costly dress of the period, with no other weapon than a slight sword at his side. But the baron will have each advent of his future son-in-law welcomed as an approach of state.

"Grammercy, Sir Baron," observed the knight, as after passing through a crowd of domestics, he grasped his host's hand upon the threshold, "one would imagine me Richard of England himself, or rather Saladin, that greatest and most gaudy of Oriental Soldans, to see this pompous prelude to my disjune with your lovely daughter and yourself."

"Nay, Ralph de Sudley," replied the baron, "my castle must needs put on its best looks, when it beholds the entry of one who is to be its lord and protector when I shall be no more. But I see you are all impatience to go within ; and, in truth, the sooner your first interview be over the better, for the table is prepared, and the pasty awaits us, and the chaplain too, whose inward man, after the morning's Mass, craves some solid refreshment."

"A moment, my worthiest of friends, and I am with you," said the knight, as he hurried by : in another instant the Lady



Alianore was in his embrace. Need we repeat the oft-told tale of love? Need we describe the day of delight Sir Ralph passed in the castle, lingering from hour to hour until the dusk? Oh! there is some one we must depict, the lady herself, who so subdued and softened this knightly soul. There, one hand upon the shoulder of her lover, her other hand locked in his, she sits listening to his words, and luxuriating in his discourse. The Lady Alianore, somewhat tall in stature, but perfect in form, has a face of dazzling beauty, yet the bewitching sweetness of her smile is tempered by a certain dignity of countenance, to which her dark, raven hair, and darker eyes, do not a little contribute; her hands, and the foot that peeps from beneath her graceful robe, are of exquisite smallness, and bespeak the purest Norman blood. Her extreme fairness, shaded by her sable locks, form a strong contrast to the auburn hair and ruddy visage of the stalwart warrior beside her.

"This will indeed be too much, Ralph," observed the lady; "a monarch, his queen, and his court, to come to this out-of-the-way castle, to honor the wedding of a lone damsel like myself; I can hardly support the idea of so much splendor."

"Fear not, my beloved," replied the knight, "Richard is homely enough, and all good nature. Moreover, it is but a return of civility; for I it was who accompanied him to the altar, where he obtained the hand of Berengaria of Navarre; the office was a dangerous one then, since I incurred by it the wrath of Philip of France. And why, dearest, should not every magnificence attend our nuptials? It is the outward emblem of our great content—a mark, like those gorgeous ceremonies that accompany the festive prayers of the Church,

which tell the people of the earth, of a joy having something of the gladness and glory of Heaven in it."

"Be it as you wish, my own true knight ; yet I almost feel that I am too happy. May God bless and protect us !"

Thus passed this bright day, until the approach of dusk imperatively compelled the enraptured lovers to separate. The knight had urgent business to settle, early on the morrow, at his own castle, before setting out for London, to announce to the king the day fixed for the espousal, and to beg from the monarch the fulfilment of the promise he had made, to be present in person with his court, at the wedding of his gallant and faithful vassal. The knight was therefore forced to depart ere the gloom advanced ; for though his journey lay in a friendly and peaceful country, it was not the habit in those days to be abroad much after dusk, without an efficient escort.

Sir Ralph reluctantly quitted his betrothed : he made his escape moreover from the baron and the chaplain, who prayed his further tarrying, to share in another flagon of Rhenish about to be produced. The horse and dog were at the porch, and, in a few minutes, the knight had passed the drawbridge, and was in the same fair road again.

"I have known Sir Ralph from his birth," observed the baron to the chaplain, "and I love him as my own son. The king may well come here to see him wedded ; for he has not a nobler, braver, or more generous knight within his realm."

"Truly, Sir Baron, he is endowed with much excellence," replied the priest ; "I do greatly admire his strong denunciation against the Templars and other warlike orders, who tolerate the protracted existence of that band of murderers in the east, who have their daggers ever pointed against the sons

of the Church. Sir Ralph speaks on this subject like a true soldier of the Cross."

"Very true," retorted the baron, "yet I wish our chevaliers would cease to think of foreign broils and questions, and attend to affairs at home. This Rhenish is perfect: after all, wine is the only thing really good that originates beyond our seas."

Their discourse had scarcely proceeded further, when it was suddenly interrupted by the loud howling and barking of a dog. The baron and the chaplain started up. "It is Leo, Sir Ralph's dog," exclaimed the former; "what in God's name can be the matter?" and the two rushed out.

The Lady Alianore, at her orisons above, heard the same terrible howl and bark. She instantly descended to the courtyard; as she came there, the outer gate was opened, and Leo, the knight's dog, flew past the wardour, and ran to the feet of the lady. The animal's mouth was blood-stained, and his glaring eye-balls and ruffled crest showed the extent of his fury and despair.

"Something dreadful has happened to Sir Ralph," she cried, and urged by the dog, who had seized her robe, she hurried through the gate, and crossed the drawbridge, with a rapidity those who followed could not arrest.

When the baron, his chaplain, and his domestics had proceeded a little beyond a quarter of a mile upon the road, a fearful sight met their view.

The knight lay dead upon the green sward by the side of the highway; a poignard which had effected the mortal wound, still rested fixed into his back. His body was locked fast in the embrace of the Lady Alianore, who lay senseless upon it: the dog stood by, howling piteously. No trace could be

discovered of who had done the deed. No proof was there beyond the dagger itself, which was of Oriental fashion, and bore the inscription in Latin *Hoc propter verba tua*: naught beyond that and another circumstance, which went to show that the knight had been slain by an Eastern enemy. The dog, as he re-entered the castle called attention to some pieces of blood-stained rag, which, from their appearance, had dropped from his mouth; one of these, the innermost, was in texture and pattern evidently part of a Syrian garment.

The Lady Alianore did not die under this dreadful calamity: she lived to mourn. The knight was interred within the precinct of the Abbey Church of Gloucester: his tomb and effigy were in a niche at an angle of the cloisters. Here would Alianore continually come, accompanied by Leo, who, since his master's death, never left her side; here would she stop fixedly gazing upon the monument, the tear in her eye, and the chill of hopeless sorrow in her heart. There are, indeed, few of us, who, wandering through the interior of some noble ecclesiastical edifice, can suppress a feeling of melancholy, when we view the sepulchre of a knight of repute, who has died in his prime, in the midst of his achievements and his fame, and who, clad in the harness of his pride, lies outstretched in the marble before us. Courage and courtesy, chivalry and Christianity, are buried there—there the breast, replete with honor, the heart to feel, and the right arm to defend. The monument tells of the sudden extinguishment of some bright light that shone in a semi-barbarous age, which had its main civilization and refinement from knights and churchmen solely. If this sight would sadden a stranger soul, what must have been the deep grief of the lady as she contemplated the cold memorial of Sir Ralph, and felt that the consternation

of her whole earthly comfort was there entombed ! A secret sentiment that satisfied, or rather softened her mental agony, brought her again and again to the place—ay, again and again to gaze upon the grave, and then to retire into the church to long and ardent prayer.

About two years after the knight had been dead, the Lady Alianore was one morning departing through the cloisters from a visit to the tomb, when her attention was suddenly arrested by a low growl from the dog who accompanied her. She turned back, and saw two persons in the garb of foreign merchants or traders, the one pointing out to the other the knight's monumental effigy. Scarcely had she made the observation, when Leo rushed from her side, and flew at the throat of him who was exhibiting the grave; in an instant he brought him to the ground ; the other endeavored to escape, but some sacristans who heard the noise, hastened to the spot, and the men were arrested.

On examination, the two pretended merchants were found to wear Eastern habiliments beneath their long gowns, and the cloth of the turban was concealed under the broad-brimmed hat of each. They both had daggers, and upon the arm of one the dog had seized, there was the deep scar of what seemed to be a desperate bite. Further proof became needless, for when every chance of escape was gone, they made a full confession, and appeared to glory in it. They were emissaries from the Old Man of the Mountain. The one on a previous occasion had journeyed from the far East to do his fearful master's bidding, and had stabbed the knight in the back, on the evening he rode in his gladness from the abode of his affianced bride. The fanatic himself narrowly escaped destruction at the time ; for the dog had fixed his



teeth into his arm, and it was only by allowing the flesh to be torn out, (his dagger was in his victim,) that he contrived to reach a swift Arabian horse, which bore him from the scene. He had since returned to Phœnicia, and had once more come to England, bringing with him a comrade to remove a doubt expressed by his master, and to testify to the monarch of the Mountain how effectively his object had been accomplished.

The Baron de Botetourt, with the assent of the crown, caused the two miscreants to be hanged upon a gibbet on the summit of his castle, their turbans tied to their heels. Leo, as if he had nothing more to live for, soon after pined and died. The Lady Alianore, retired into a convent, and eventually became its abbess. During the course of her monastic life, she preserved in silence her undying regret for the knight, and the recollection of her happiness, so miserably thwarted. She was always kind and gentle, yet always also dignified and reserved. On her death-bed, she requested that her remains might be interred in the Abbey of Gloucester, nigh unto the tomb of Sir Ralph de Sudley, and that her monumental tablet should contain no more than her name and state, and an inscription pointing out the extreme vanity of all human felicity. Such a memorial, it is said, was, until entirely effaced by time, to be seen, read, and thought upon, within the cloisters of Gloucester's time-honored and sanctified cathedral.

## MONARCHS WHO HAVE SLAIN THEIR OWN CHILDREN BY PROCESS OF LAW.

KING PHILIP. . . . . You cannot  
Establish some new creed to justify  
The bloody murder of one's only son  
. . . . . I sin—  
Sin against nature. SCHILLER: *Don Carlos.*

THE crime of legal filicide by those who had the means of turning the power of the law to their own purposes, is, to the honor of mankind, one of rare occurrence. Foremost among the men whom history records as guilty of this offence, stands Herod, that ancient king of hated memory, whose numberless private atrocities are overshadowed by his slaughter of the Innocents at Bethlehem, and his enmity to the infant Saviour of mankind. Herod caused to be put to death, after a mock trial, Alexander and Aristobulus, his sons by Miriamne, the wife of his affection, whom he slew in his wrath, and in whose murder

“The base Judean threw a pearl away,  
Richer than all his tribe.”

The whole proceeding of Herod with regard to his offspring, very closely resembles the conduct, here below related, of Philip II. towards his son Don Carlos. Both instances evince the same hypocrisy, the same wish to appear just, and the same merciless determination of purpose. The Jewish tyrant hesitated but from dread of Cæsar's anger—the Spanish despot trembled at the anticipated judgment of the

Christian world ; yet, with either, sin mastered fear, and the deed was done. The assessors of Berytus, the judges for Herod, like the Inquisitors of Spain, who tried Don Carlos, held back from pronouncing a positive sentence of death in a cause so monstrous ; but Herod took the rest of the process into his own hands, and had his two children forthwith slaughtered at Sebaste.\* It is also to be remembered that Herod, in his last illness, and five days before he expired, caused his other son, Antipater, to be slain ; a crime which he followed up by ordering the principal men of the Jewish nation to be shut into the Hippodrome, and to be slaughtered at the moment of his giving up the ghost, so that the whole people should have reason to mourn and wail at his departure. This, by the way, is the only example in history of a prince committing murder on his death-bed, with the exception of King Henry VIII., who, just before the final agony, signed the death-warrant, and directed the execution, of the Duke of Norfolk, who was at the time lying in the Tower, under a notoriously unjust attainder. It is a consolation to know that the duke, as well as the prisoners of the Hippodrome, were saved by the passing away of their respective sceptred oppressors, before the possible perpetration of the purposed cruelty. Henry VIII., who resembled Herod in so many things, very narrowly escaped having also the killing of his children added to the chapter of his crimes ; for reports are not wanting which tell that, after bastardizing his daughters, and depriving them of the succession, he more than once contemplated the necessity of removing them alto-

\* These cruelties of Herod made Augustus Cæsar remark, in allusion to the forbidden meat of the Jews, that he would rather be Herod's pig than his son.

gether. One may easily suppose such intention, at least with regard to the Princess Elizabeth, on the part of him who, to mark how little he mourned, dressed himself in white the day Elizabeth's mother, Anne Boleyn, perished pursuant to his will on the scaffold. Henry had not even the heart of Herod; for the latter did weep when he heard that Mariamne was no more. Though Henry just avoided the act of regal child-murder, it is somewhat singular that the next great instance we have of the committal of the crime, is in the person of Henry's son-in-law, the sagacious and sanguinary Philip II., King of Spain. This monarch is well known to history as having made two attempts upon the realm of England,—one by marriage and the other by war,—and as having been baffled in both. Philip II. wedded Queen Mary Tudor, that he might annex England to the dominions already in his possession, or in his succession; but the queen and her Chancellor Gardiner were too sharp for him. Mary, who has had so much more than a fair share of the sins of a horrid period of religious discord laid to her charge, felt, lovesick as she was, herself to be the queen of an independent people, and insisted and obtained through her minister, that her Spanish bridegroom should not have an inch of power or possession within her territories. Philip never forgave her, and soon left her to die of a broken heart. His next attempt on England was an armed one. Queen Elizabeth had rejected his offer of marriage, (for he tried that plan with her too,) and Philip, firm of purpose, had recourse to the Invincible Armada. England's combined and glorious resistance baffled him again and forever, in his views upon that country. The king did not, however, abandon his favorite policy; his dreadful conduct to his unfortunate son arose out of another per-

version, by him, of the hymenial rite to a political purpose. The melancholy story of Don Carlos has been a favorite theme with poets and romance writers. The subject has been immortalized by Schiller. The plain facts of the real affair, sufficiently interesting in themselves, are these :—

The Prince Don Carlos, Infant of Spain, was the son of Philip II. and of Mary of Portugal, who was the daughter of King John III. and Queen Catherine, fourth sister to Charles V.

Different characters are given of Don Carlos. The partizans of Philip, willing to justify the father, paint the son as a prince of a malign, untractable and vicious disposition, and tinctured with almost every vice. But the preponderance of authority lies with the historian, Gregorio Leti, who shows Don Carlos in a very advantageous light. He draws his character in contrast with that of Philip II. The son, according to him, was actuated by a reigning passion for military glory; the father was cool and pacific; the son won the hearts of the people by gentleness and affability, which were imprinted in his features; the father commanded a respect, which bordered upon terror, by an air of stern severity, a constrained gravity, and a demure aspect; the son understood a variety of languages, and had the art of accommodating himself to the genius of different countries; the father knew only his mother-tongue and his native gloomy pride.

Don Carlos's affections became alienated from his father by his disappointing him of his promised match with the Princess Elizabeth, daughter to Henry II. of France, and Catherine of Medicis, whom Philip thought fit, for political reasons, to marry himself, after the death of his second wife, Mary of England. This princess, whom the Court of France had destined at first



for Don Carlos, had therefore the mortification to set out for Spain, in order to wed the father instead of the son. Brantom says, that, as soon as she saw her monarch-husband, she looked stedfastly at him for some time ; upon which he asked her, if she took notice that he had already gray hairs ? These words presaged the unhappiness of a pair so unequally matched. Don Carlos, who had pleased himself with the thoughts of marrying the beauteous queen, had abandoned his heart to the influence of a violent passion. The queen gave him very warm returns of affection, though she always kept within the bounds of discretion, and even shunned opportunities of being with Don Carlos alone.

Don Juan of Austria, natural son to Charles V., contributed to Don Carlos's misfortune. Charles had never owned Don Juan as his son till after his abdication, when he recommended him to King Philip, desiring he might be made an ecclesiastic.

One day, Don Carlos sent for Juan, together with two of his most intimate confidants, and asked him if he would not accompany and second him in an enterprize of the utmost importance, which would infallibly procure infinite advantages to them both ? Don Juan replied, that he was ready to serve him in everything that did not interfere with the service and duty he owed to the king his brother. But that prince rejoining that he must give him an absolute promise, without any such reserve, to follow him implicitly throughout, and do whatever he required of him, Don Juan, without further deliberation, positively refused to come under such engagement. Upon this, Don Carlos dismissed him in wrath, and in confusion for having opened his mind too far. Don Juan, apprehending that the king might learn from some other quarter what had passed between the prince and himself, judged it

more advisable to make the first discovery ; hoping by this signal service to ingratiate himself with the king. This had the desired effect, for Philip afterwards advanced him to high honors.

The aversion which Carlos had conceived to his father and his favorites, induced him to keep away from the royal presence. He plainly perceived that Philip bore him dire grudge, which was inflamed to violent hatred by a piece of raillery he had written upon him. Philip II., the son of the great Charles V., who had performed so many glorious expeditions, was the most sedentary prince imaginable. Don Carlos, in ridicule, wrote a book, which had for its designation, "The Great and Marvellous Expeditions of King Don Philip;" and to the several chapters had prefixed the following titles : "The Expedition from the Escorial to Toledo ; from Toledo to Madrid ; from Madrid to Aranjuez ; from Aranjuez to Pardo ; from Pardo to the Escorial." In this manner he filled up the whole with an account of the King's journeyings from one palace to another, and through the chief cities in Spain.

We are likewise told that he was engaged in a confederacy with the rebels in the Netherlands, and was to have put himself at their head ; also, that he carried on a correspondence with Count d'Egmont, the Marquis de Bergeus, and the Baron de Montigny. Deputies from Flanders having arrived at Court, represented to the prince the dismal situation to which the nobility of Flanders were reduced, by prepossessions in their prejudice, which had been infused into the king by Cardinal Granville, the governante's chief minister.

The Duke of Alva found the following letter of Don Carlos among the papers of Count Egmont, when he and Count Horn were imprisoned.

“SEIGNIOR COUNT EGMONT :

“If the sentiments of my father were not as remote from mine, as my temper shall be always incompatible with his, it is certain that the grandees of the Netherlands would enjoy that quiet which they can never hope for in the life-time of a king who bears them an irreconcilable hate, and the government of a minister who exercises in those provinces the most odious tyranny. Would to Heaven things could be managed according to my wish ! But I have the mortification to see my good intentions checked by insurmountable obstacles ; and all those honest designs I form for the interest of my people of Flanders frustrated. All that I can do at present for their service, is, to exhort them to repose no confidence in the Duke of Alva, because he has brought nothing from Spain into that unhappy country, but a barbarous passion to fill it with blood and carnage, and to lay the heads of its principal men at his feet.”

Schiller, in his drama, makes poetic allusion to this letter in the lines which, elegantly translated by Mr. Boylan, are as follow :—

CARLOS.....O God ! my Paradise !  
My Flanders ! But of this I must not think.  
You, Alva, carry with you a full store  
Of sentences of death already signed.  
This shows a prudent foresight ! No more need  
To fear your foes' designs, or secret plots ;  
O father, ill indeed I've understood thee,  
Calling thee harsh, to save me from a post  
Where Alva's self alone can fitly shine !  
'Twas an unerring token of your love.”

The letter widened the breach between Philip and his son

into an irreconcilable enmity ; indeed, nothing seemed to have inflicted a more cruel stab to that monarch's ambition.

Though the prince had already failed in an attempt upon Don Juan, he had the weakness to impart to him his design, and to ask his counsel and concurrence. In the overflowings of his good-humor he unbosomed himself to Juan, tried his utmost to bring him into the plot, and engage him to keep it secret. Juan gave him his promise, but was too much a politician to abide by it. He embraced the first opportunity to disclose the affair to Philip, who, upon information that Don Carlos had written to the chief-courier for eight post-horses, thought it time to arrest him for a deadly purpose. This fearful king went himself at midnight to the apartment of his son, accompanied by the Prince d'Eboli, the Duke de Feria, and others. Ruis de Gomés, the prime minister, came among the party. The prince was in profound sleep, having laid himself down in security, without suspicion or previous intimation of his approaching misfortune.

The king, after seizing the prince's sword from under his pillow, together with his poignard, commanded him to rise. While Don Carlos stood aghast, the king upbraided him for not making a better use of the advice he had given him, whereby he might have saved him the necessity of securing his person : an expedient, which, however violent it might appear, had no other aim, he told him, but his own good.

Then King Philip opened the prince's casket and carried away all his papers ; he likewise took from him all his old servants, and put others, his royal minions, to be his guard.

The chamber of Carlos was stripped of its magnificent furniture, and nothing left in the place but a pitiful mattress on the floor. He was obliged to go into mourning, and was

served by men in the same rueful garb, strangers to him. There was, the night of this arrest, found by the prince's bedside a chest full of fire-arms ; it was discovered, also, that for his further security, he had caused a famous French artisan, who wrought at the Escorial, to make him a lock for his chamber, that could only be opened from within ; and that he slept every night with two swords and a brace of pistols under his pillow. All these precautions were but vain.

Philip called a council and communicated to them what course had been taken with Don Carlos ; contenting himself with telling them in general, that he was determined to that step by motives of the utmost importance. In the same style he addressed himself to all the ambassadors, and propagated the news of this extraordinary proceeding over the whole of his dominions. He sent letters with his own hand to the several princes of Europe. To his sister, the Empress Mary, he wrote as follows :—

“ My very dear Sister, I doubt not but my resolution of imprisoning your nephew Don Carlos, my son, will be no less grievous and deeply affecting to your imperial majesty, than it must be surprising to all the world. But God, who knows the secrets of all men, will justify me in time from the misconstructions that have been put upon this my conduct by the prejudiced world, to the wounding of my reputation. Till then I shall only say, for my own comfort and yours, that I never discovered in the prince, my son, any capital vice, any crime capable of entailing upon him lasting dishonor, though I have remarked in him abundance of errors and irregularities, which I attribute to the violent sallies and heat of youth. Meantime, I have been necessitated to order him to be confined to his apartment, for his own good, and for the advantage of my



kingdoms, for whose tranquillity I am bound to provide, no less than for the preservation of my son."

According to this letter Philip did not judge Don Carlos guilty of any capital crime.

Philip affected so much care and anxiety, that he would not enter the gates of Madrid during the whole time of his son's confinement.

He mustered up all the evidence he could draw together of a state crime, which he laid to the charge of Don Carlos; and received from various quarters a variety of depositions, which accused that prince of favoring the rebels in Flanders. He then held what he called his council of conscience; sent for several doctors in divinity of great reputation; and questioned them as to what punishment Don Carlos deserved for the crime that was proved upon him? Their sentiments were divided; some were of opinion that his transgression ought to be pardoned, enforcing their decision with cogent arguments: but others alleged weighty motives why he ought to be severely punished. None went so far as to talk of killing.

Philip proposed the case to his assembly of divines under the following form.

He asked them whether or no, considering the mischief that must accrue to his dominions by his dissembling the crimes of his son, or neglecting to punish them, he might with a safe conscience pardon this criminal without being answerable before God for all the calamities which such preposterous clemency might produce? To this question the divines answered with eyes bathed in tears, trembling voices, and emotions of deep distress, and it is charitably to be supposed, in mortal fear of the questioning tyrant:—"That the safety of his people ought to be much dearer to him than the life of his

own son. For this he had an example of Moses, who desired to be accursed for the good of the people. That some faults, indeed, were to be pardoned, but others were of such a nature, that they ought to be punished with the rigor of justice." Still they avoided allusion to the punishment of death.

The monarch thus confirmed in his resolution, summoned the Fathers of the Inquisition, and abandoned his son to the judgment of that tribunal, with an order that they should not show any more regard to him than to the meanest of his subjects; nor lay any stress upon the dignity of his birth, the splendor of his rank, or the authority which he bore in the monarchy.

The Inquisitors, nominated to be judges of the prince, sent to search the archives of Barcelona for the criminal process which Don Juan II., King of Arragon, in 1460, instituted against his eldest son Don Carlos, Prince of Viana, who eventually killed, not by his father, but by his wife.

In a few days the Inquisitors drew up the charge, in obedience to the king, who constituted himself his son's accuser, and gave them absolute power to judge and condemn him. The Inquisitors did so; and by their sentence endeavored to satisfy the tyrant, and to save the prince's life. By them Don Carlos was declared a heretic for having maintained a strict friendship with the Protestant enemy; they judged him guilty of conspiring against the life of his father; and condemned him to remain in prison. The resentment the prince unwarily showed at this sentence, made all those tremble who had advised and given their consent to it. He led them to believe they would never escape his vengeance, should he recover his liberty; this rashness on his part made them less anxious to further oppose the king; it accomplished his ruin.

The people, who always interest themselves in behalf of the unhappy, began to appear very anxious for the enlargement of the illustrious prisoner. His youth and high rank had a powerful influence to melt them into compassion. The king, feigning fear of an insurrection, urged with apparent reluctance, and after mature deliberation, that there would be no security for himself and his ministers, if the prince was set at liberty; and that there was no way but putting him to death. No cage was strong enough to confine this bird; he must either despatch him soon, or set him free.

The Inquisitors being consulted anew, with lingering hesitation, gave their verdict for a capital punishment, on account of the menaces Don Carlos had lately uttered against the king, the ministers, and the judges. They tried a last chance, in proposing that the sentence should be signed by Philip, as the sovereign from whom their power was derived. That crafty monarch declared to the Inquisitors, that his bowels yearned within him at this proposition, and that he looked upon himself as condemned to the punishment to which he adjudged his son, it being impossible for him to separate the father from the offspring." "Oh!" said he, "the pen drops from my hand, when I reflect that I am going to make myself an object of horror to all the human race, who will detest the barbarity of a father, the avowed enemy of his own flesh and blood. Thus I shall fix an everlasting stain upon my memory, and be tormented all my life with the distracting idea of my cruelty, which will pursue me incessantly like a persecuting Fury."

Nevertheless, the pen did not drop, and he signed the sentence, saying to the Inquisitors, "Preserve this monument: it contains a condemnation which has not its parallel in the world."

They sent a deputation of their number to Don Carlos, to read the sentence to him; on hearing which the unfortunate prince, struck to the heart, asked the Inquisitors if his father had then so far stifled all sentiments of natural affection, that there remained no hope of pardon, and if they too were so inexorable as not to intercede for their king's son, who was destined by his birth to be their sovereign. One of them answered that all the favor he had to expect was, to choose by what kind of death he should die; for, alas! the sentence could not be revoked, and the regal doom was not to be avoided.

The prince received a letter, supposed to come from the queen, advising him to let the king know he had secrets of importance to communicate to him, and to improve the visit which his majesty designed to pay him, by trying to appease him. In compliance with this advice, he wrote an humble letter to his father; and, upon the consequent visit from the monarch, he used all his efforts to melt him into commiseration; but in vain. Historians say that, having in the course of his solicitations entreated Philip to remember that he was his own blood, that monarch answered coldly, "When I have bad blood, I make my surgeon let it out." In this conversation, the father displayed a heart obdurate to all sense of tenderness—sunk below all spirit of magnanimity.

The prince, finding it in vain to hope for mercy, determined to have his veins opened, and expire in a bath. Matthieu, the French historian, alleges that he was strangled by four slaves, two of whom held him, while the others bound him with a cord of silk. Be that as it may, die he did, according to his doom, on St. James's day, 1568, at the age of twenty-three years and fifteen days.



Through the whole of his dominions, the king directed the most magnificent funeral obsequies to be paid to the memory of his son; which order was, punctually obeyed. The several cities of the kingdom signalized themselves with emulous ardor, and care was even taken to insert in all the news, public and private, that this unforeseen death extremely afflicted his Catholic majesty. Thus Philip II., under the mask of a pompous mourning, concealed the barbarous joy of his heart for being delivered from a son whom he dreaded as his greatest enemy.

The unhappy Queen Isabel, the innocent cause of this terrible strife between father and son, died shortly after the prince's execution: Philip then made another political marriage. His fourth wife was his own niece, Anne, daughter of the Emperor Maximilian II., and of that Empress to whom Philip wrote about Don Carlos. Philip himself survived his son for thirty years. From this grim monarch, we have now to pass to a sovereign, whom one must ever regret to see affording a fresh instance of a like transaction. This prince was no other than Peter the Great, Czar of Russia.

There is no doubt that this affair of Peter's son, Alexis, remains a blot for ever on the memory of the imperial warrior and legislator, who was one of the greatest the world has seen. Yet, granting the full odium of the transaction, we cannot but see in it much to palliate the conduct of the czar. Unlike the selfish Philip II., Peter acted from no private malice, but from a pure love for that nation the foundations of whose mighty empire he was fixing. He foresaw in the death of his unworthy son, the salvation of his country. The Spartan and the Roman feeling was strong within him, and acting as the elder Brutus did, he let a judgment pass which



Paganism would have hailed with applause, and which Christianity naturally abhors and condemns. There is, it is to be further observed, one other saving point in the czar's prosecution of his son; it is not quite clear that he did actually put him to death; and however the effects of the trial and sentence may have led to the prince's demise, it is still to be hoped that so glorious a sovereign as Peter is at least innocent of the terrible ending of the tragedy. We have borrowed the narrative respecting the Czarowitz Alexis previous to his trial, from the beautifully written account given by Voltaire in his History of Russia under Peter the Great.

The Czar Peter, at the age of seventeen had married, in the year 1689, Eudocia Theodora, or Theodorouna Lapoukin. Bred up in the prejudices of her country, and incapable of surmounting them like her husband, the greatest opposition he met with in erecting his empire and forming his people, came from her : she was, as is too common to her sex, a slave to superstition; every new and useful alteration she looked upon as a species of sacrilege; and every foreigner whom the czar employed to execute his great designs, appeared to her no better than as corruptors and innovators.

Her open and public complaints gave encouragement to the factious, and those who were the advocates for ancient customs and manners. Her conduct, in other respects, by no means made amends for such heavy imperfections. The czar was at length obliged to repudiate her in 1696, and shut her up in a convent at Susdal, where they obliged her to take the veil under the name of Helena.

The son, whom he had by her in 1690, was born unhappily with the disposition of his mother, and that disposition received additional strength from his very first education. He

was intrusted to the care of superstitious men, who ruined his understanding forever. 'Twas in vain that they hoped to correct these first impressions, by giving him foreign preceptors ; their very quality of being foreigners disgusted him. He was not born destitute of genius ; he spoke and wrote German well ; he had a tolerable notion of designing, and understood something of mathematics : but, strange to say, the reading of ecclesiastical books proved fatal to him. The young Alexis imagined he saw in these books a condemnation of everything which his father had done. There were some Greek priests at the head of the malcontents, and by the priests he suffered himself to be governed.

They persuaded him that the whole nation looked with horror upon the enterprizes of Peter ; that the frequent illness of the czar promised but a short life ; and that his son could not hope to please the nation, but by testifying his aversion for all changes of custom. These murmurs and these counsels did not break out into an open faction or conspiracy ; but everything seemed to tend that way, and the tempers of the people were inflamed.

Peter's marriage with Catherine in 1707, and the children which he had by her, began to sour the disposition of the young prince. Peter tried every method to reclaim him : he even placed him at the head of the regency for a year ; he sent him to travel ; he married him in 1711, at the end of the campaign of Pruth, to the Princess of Brunswick. This marriage was attended with great misfortune. Alexis, now twenty years old, gave himself up to the debauchery of youth, and that boorishness of ancient manners he so much delighted in. These irregularities almost brutalized him. His wife, despised, ill-treated, wanting even

necessaries, and deprived of all comforts, languished away in disappointment, and died at last of grief, the first of November, 1715.

She left the Prince Alexis one son ; and according to the natural order, his son was one day to become heir to the empire. Peter perceived with sorrow, that when he should be no more, all his labors were likely to be destroyed by those of his own blood. After the death of the princess, he wrote a letter to his son, equally tender and resolute ; it finished with these words : " I will still wait a little time, to see if you will correct yourself ; if not, know that I will cut you off from the succession, as we lop off a useless member. Don't imagine, that I mean only to intimidate you ; don't rely upon the title of being my only son ; for if I spare not my own life for my country and the good of my people, how shall I spare you ? I will rather choose to leave my kingdom to a foreigner who deserves it, than to my own son, who makes himself unworthy of it."

This is the letter of a father, but it is still more the letter of a legislator ; it shows us, besides, that the order of succession was not invariably established in Russia, as in other kingdoms, by those fundamental laws which take away from fathers the right of disinheriting their children ; and the Czar believed he had an undoubted prerogative to dispose of an empire which he had founded.

At this very time the Empress Catherine was brought to bed of a prince, who died afterwards in 1719. Whether this news sank the courage of Alexis, or whether it was imprudence or bad counsel, he wrote to his father that he renounced the crown and all hopes of reigning. " I take God to witness," says he, " and I swear by my son, that I will never pretend to

the succession. I put my children into your hands, and I desire only a provision for life."

The Czar wrote him a second letter, as follows:—"You speak of the succession, as if I stood in need of your consent in the disposal thereof. I reproached you with the aversion you have shown to all kind of business, and signified to you, that I was highly dissatisfied with your conduct in general; but to these particulars you have given me no answer. Paternal exhortations make no impression on you, wherefore I resolve to write you this once for the last time. If you despise the advice I give you while I am alive, what regard will you pay to them after my death? But though you had the inclination at present to be true to your promises, yet a corrupt priesthood will be able to turn you at pleasure, and force you to falsify them. They have no dependence but upon you. You have no sense of gratitude towards him who gave you your being. Have you ever assisted him in toils and labors since you arrived at the age of maturity! Do you not censure and condemn—nay, even affect to hold in detestation, whatever I do for the good of my people? In a word, I have reason to conclude that, if you survive me, you will overturn everything that I have done. Take your choice; either endeavor to make yourself worthy of the throne, or embrace a monastic state. I expect your answer, either in writing, or by word of mouth, otherwise I shall treat you as a common malefactor."

This letter was very severe, and it was easy for the prince to have replied, that he would alter his conduct; instead of which, he only returned a short answer to his father, desiring permission to turn monk.

This resolution appeared altogether unnatural; and it may

furnish matter of surprise that the Czar should think of travelling, and leaving a son at home so obstinate and ill-affected ; but, at the same time, his doing so is next to a proof that he thought he had no reason to apprehend conspiracy from that son.

The Czar, before he set out for Germany and France, went to pay his son a visit. The prince, who was at that time ill, or at least feigned himself so, received his father in his bed, where he protested, with the most solemn oaths, that he was ready to retire into a cloister. The Czar gave him six months to consider of it, and then set out upon his travels with the czarina.

No sooner was he arrived in Copenhagen, than he heard (what he might reasonably expect) that the czarowitz conversed only with factious and evil-minded persons, who strove to feed his discontent. Upon this the Czar wrote to him, that he had to choose between a throne and a monastery ; and that, if he had any thoughts of succeeding him, he must immediately set out and join him at Copenhagen.

But the confidants of the prince remonstrating to him how dangerous it would be to trust himself in a place where he could have no friends to advise him, and where he would be exposed to the anger of an incensed father, and the machinations of a revengeful step-mother ; he, under pretence of going to join his father at Copenhagen, took the road to Vienna, and threw himself under the protection of the Emperor Charles VI., his brother-in-law, intending to remain at his court till the death of the Czar.

This adventure of the czarowitz was nearly the same as that of Lewis XI. of France, who, when he was dauphin, quitted the court of his father, Charles VII., and took refuge with the



Duke of Burgundy ; but the dauphin was much more culpable than Alexis, inasmuch as he married in direct opposition to his father's will, raised an army against him, and threw himself into the arms of a prince who was Charles's declared enemy, and refused to hearken to the repeated remonstrances of his father, to return back to his court.

The czarowitz, on the contrary, had married only in compliance with his father's orders, had never rebelled against him, nor raised an army, nor taken refuge in the dominions of an enemy, and returned to throw himself at his feet, upon the very first letter he received from him ; for, as soon as Peter knew that his son had been at Vienna, and had afterwards retired to Tyrol and from thence to Naples, which, at that time, belonged to the emperor, he despatched Romanzoff, a captain of his guards, and the privy-counselor Tolstoy, with a letter written with his own hand, and dated at Spa, the 21st of July, N. S., 1717. They found the prince at Naples, in the castle of St. Elme, and delivered to him his father's letter, which was as follows :—

“I now write to you for the last time, to acquaint you, that you must instantly comply with my orders, which will be communicated to you by Tolstoy and Romanzoff. If you obey, I give you my sacred word and promise, that I will not punish you ; and that, if you will return home, I will love you more than ever ; but, if you do not, I, as your father, and in virtue of the authority which God has given me over you, denounce against you my eternal curse ; and, as your sovereign, declare to you, that I will find means to punish your disobedience, in which, I trust, God himself will assist me, and espouse the just cause of an injured parent and king.

“For the rest, remember that I have never laid any re-

straint upon you. Was I obliged to leave you at liberty to choose your way of life? Had I not the power in my own hands to oblige you to conform to my will? I had only to command, and make myself obeyed."

The viceroy of Naples found it no difficult matter to persuade the czarowitz to return to his father. This is an incontestible proof that the emperor had no intention to enter into any engagements with the prince that might give umbrage to his father. Alexis, therefore, returned with the envoys, bringing with him his mistress, Aphrosyne, who had been the companion of his elopement.

We may consider the czarowitz as an ill-advised young man, who had gone to Vienna and to Naples, instead of going to Copenhagen, agreeably to the orders of his father and sovereign. Had he been guilty of no other crime than this, which is common enough with young and giddy persons, it was certainly very excusable. The prince determined to return to his father, on the faith of his having taken God to witness, that he not only would pardon him, but that he would love him better than ever. But it appears, by the instructions given to the two envoys who went to fetch him, and even by the czar's own letter, that his father required him to declare the persons who had been his counselors, and also to fulfil the oath he had made of renouncing the succession.

It seemed difficult to reconcile this exclusion of the czarowitz from the succession, with the other part of the oath, by which the czar had bound himself in his letter—namely, that of loving his son better than ever. Perhaps, divided between paternal love, and the justice he owed to himself and people, as a sovereign, he might limit the renewal of his affection to his son in a convent, instead of to that son on a throne: per-

haps, likewise, he was in hopes to reduce him to reason, and to render him worthy of the succession at last, by making him sensible of the loss of a crown which he had forfeited by his own indiscretion. In a circumstance so common, so intricate, and so afflicting, it may be easily supposed that the minds of both father and son were under equal perturbation, and hardly consistent with themselves.

The prince arrived at Moscow on the 13th of February, N. S., 1718, and the same day went to throw himself at his father's feet, who was returned to the city from his travels. They had a long conference together, and a report was immediately spread through the city, that the prince and his father were reconciled, and that all past transactions were buried in oblivion. But the next day, orders were issued for the regiments of guards to be under arms at break of day, and for all the czar's ministers, boyards, and counselors, to repair to the great hall of the castle; as also for the prelates, together with two monks of St. Basile, professors of divinity, to assemble in the cathedral at the tolling of the great bell. The unhappy prince was then conducted to the great castle like a prisoner, and being come in his father's presence, threw himself in tears at his feet, and presented a writing, containing a confession of his faults, declaring himself unworthy of the succession, and imploring only that his life might be spared.

The czar, raising up his son, withdrew with him into a private room, where he put many questions to him, declaring to him at the same time, that if he concealed any one circumstance relating to his elopement, his life should answer for it. The prince was then brought back to the great hall, where the council was assembled, and the czar's declaration, which

had been previously prepared, was there publicly read in his presence.

In this piece the czar reproaches his son with all those faults we have before related—namely, his little application to study, his connections with the favorers of the ancient customs and manners of the country, and his ill-behavior to his wife. “He has ever violated the conjugal faith,” saith the czar in his manifesto, “by giving his affection to one of the most servile and low condition during the life-time of his lawful sponse.” It is certain that Peter himself had repudiated his own wife in favor of a captive; but that captive was a person of exemplary merit, and the czar had just cause for discontent against his wife, who was at the same time his subject. The czarowitz, on the contrary, had abandoned his princess for a young woman hardly known to any one, and who had no other merit but that of personal charms. So far there appears some errors of a young man, which a parent ought to reprimand in secret, and which he might have pardoned.

The czar, in his manifesto, next reproaches his son with his flight to Vienna, and his having put himself under the emperor’s protection; and adds, that he had calumniated his father, by telling the emperor that he was persecuted by him, and that he had compelled him to renounce the succession; and, lastly, that he had made intercession with the emperor to assist him with an armed force.

Peter adds, in this terrible piece, that Alexis had persuaded the emperor, that he went in danger of his life, if he returned back to Russia. Surely it was in some measure justifying these complaints of the prince, to condemn him to death at his return, and especially after so solemn a promise to pardon him.



The actual trial of Alexis was this :—

The czar, though he might dispose of his crown, and deprive his son of the right to succeed to it, foresaw that, after his death, the czarowitz might make a jest of his renunciation, and judged it necessary to bring him to a trial, in order to condemn him to capital punishment. As his hands were tied up by the pardon he had promised him, he used pretexts to evade that promise; in which conduct he appears to have been influenced not so much by hatred to his son, as by an all-absorbing jealousy for his personal glory and that of his empire, and by love to his people; he foresaw that the czarowitz would be so far from treading in his steps, that by his mal-administration he would plunge his dominions into an abyss of misery.

The way by which he eluded the promise of pardon he had given the czarowitz was thus :—He declared to him it was his pleasure that he should reveal all the particular circumstances of his elopement, who were his counselors, and whatever else had a relation to that event; assuring him that, if he spoke the truth without reserve or disguise, he would grant him his pardon: but if he did not discover all, and his accomplices too—if he concealed anything that had any relation to his flight, the pardon should be null, and have no effect.

In consequence of his express mandate, the ministers, senate, and estates, who were regularly convened, proceeded to interrogate the czarowitz.

This unfortunate prince was in such confusion that, both in his answers, and the writings he gave in of his own proper motion, he contributed effectually to his own undoing. All the depositions and papers relating to the cause were read in presence of the senate and states assembled; after which



they gave orders to search the Scriptures of the Old and New Testaments, the constitutions of the empire, and the military laws, for pertinent authorities that might be applied to the present case, in order to judge what pains and penalties his transgressions had deserved.

One passage in the opinion given by the clergy is very beautiful.

“If his majesty is inclinable to punish the offender according to his deeds and the measure of his crimes, he has before him the examples in the Old Testament ; if, on the other hand, he is inclined to show mercy, he has a pattern in our Lord Jesus Christ, who received the prodigal son when returning with a contrite heart, who set free the woman taken in adultery, whom the law sentenced to be stoned to death, and who prefers mercy to burnt-offerings. He has likewise the example of David, who spared his son Absalom, who had rebelled against and persecuted him, saying to his captains, when going forth to the fight, ‘Spare my son Absalom.’ The father was here inclinable to mercy, but Divine Justice suffered not the offender to go unpunished.

“The heart of the czar is in the hands of God ; let him take that side to which it shall please the Almighty to direct him.”

Several extracts from the laws, Divine, civil, and military, having been read, it was unanimously resolved that, before pronouncing sentence, the ministers and senate should call the ordinary judges, one after another, in order to hear each of their opinions.

This being done, the ministers in like manner delivered their suffrages, which, though given apart, unanimously centred in one and the same decision : having declared upon oath and

conscience that, according to the above extracts of laws, Divine, civil, and military, the czarowitz deserved death for the crimes alleged and proved above.

The czarowitz, in his examination, accused his confessor, the arch-priest James. He said, that having confessed to him, among other things, that he wished his father's death, the confessor answered, "God will forgive you; we wish that event as much as you."

On the same day, the confessor owned both upon the rack, and when he was confronted with the prince stated, that the Czarowitz Alexis had said these words at confessing: that he wished for the death of his father; and that he replied to the czarowitz, "We all, in like manner, wish for his death:" but that he did not remember who those were that wished it. He added, that he did indeed say to the czarowitz, that the people loved him, and drank to his health, naming him the hope of Russia; having heard so from several persons, but could not recollect who the persons were. This ecclesiastic was condemned to death, degraded, and executed.

The czar proposed several articles on which he desired that his son might be interrogated, and omitted nothing that might set his crimes in the strongest light. The unfortunate prince was entangled in his own words, by saying more than he intended to say.

At length the fatal sentence was passed, the tenor whereof was as follows:—

"It is with an afflicted heart, and eyes full of tears, that we, as servants and subjects, pronounce this sentence; considering, as we have said, that it belongs not to us, in this quality, to give judgment in a case of such importance, and

particularly to pronounce a sentence against the son of our most sovereign and gracious lord the czar. Nevertheless, it being his pleasure that we give judgment, we declare by these presents our real opinion ; and we pronounce this sentence of condemnation with so pure and Christian a conscience, that we hope we shall be able to answer for it before the awful, the just, and impartial judgment of the great God.

“For what remains, we submit this sentence which we now pass, to the sovereign power, the will, and merciful revisal of his czarish majesty, our most merciful sovereign.”

This sentence was signed by all the members of the court, to the number of a hundred and eighty ministers, senators, generals, and other officers.

The czar ordered the sentence of death to be read to the czarowitz. The very hearing of it affected him to such a degree, that it made a sudden revolution in his whole frame, disordered his senses, and threw him into a convulsive lethargy. By using proper means to recall his senses, he was brought to himself a little. Intimations were given him that he might expect everything from his father's clemency ; but whether it was that the severity of the czar had made too strong impressions upon him to leave room for that hope, or that the disorder which the reading of the sentence occasioned in his faculties, was too great to be repaired ; or that, as is highly probable, they had given him poison, his recovery could not be effected. He had just strength enough to ask pardon of the czar his father, in presence of several bishops, senators, and grandees of the realm.

The czar, it will be observed, insisted upon the czarowitz reading the sentence himself. He was obliged to obey his

father, and had hardly read it, when certain fumes mounted up into his brain, whereby he lost the use of his sight, and fell into a swoon, out of which he scarcely recovered: all this, it is said, was the effect of poison, wherewith the sentence was inflicted; which had such a powerful effect upon him, that he died in three days afterwards, on the sixth of July, after having received the sacrament of the church.

The Czar (and this is the worst resemblance his conduct has to that of Philip II.) was not backward in performing to his son the last offices of humanity with due pomp and solemnity. He ordered his body to be placed, from the eighth of July to the tenth, in the Church of the Holy Trinity, in an open coffin, richly ornamented with velvet. All had access to see him, and people came in crowds to kiss his hand; at length the corpse was carried in procession to the new Church of the Citadel, where he was interred in the imperial tomb, by the princess his wife, with all the pomp and ceremonies observed towards the princes and princesses of the blood; Peter and his consort Catherine having attended the funeral with all the court, and the principal nobility of the kingdom.

Voltaire, who must be warily considered as a warm admirer and defender of Peter the Great, thus comments upon the whole of this sad event.

“The law of history would not permit us to disguise or palliate aught in the relation of this tragic event. All Europe was divided in its sentiments, whether most to pity a young prince, prosecuted by his own father, and condemned to lose his life by those who were one day to have been his subjects; or the father, who thought himself under a necessity to sacrifice his own son to the welfare of his nation.



"It was asserted in several books published on this subject, that the czar sent to Spain for a copy of the proceedings against Don Carlos, who had been condemned to death by his father, King Philip II. But this is false, inasmuch as Don Carlos was never brought to his trial : the conduct of Peter I. was totally different from that of Philip. The Spanish monarch never made known to the world the reasons for which he had confined his son, nor in what manner that prince died. He wrote letters on this occasion to the pope and the empress, which were absolutely contradictory to each other. William Prince of Orange accused Philip publicly of having sacrificed his son and his wife to his jealousy, and to have behaved rather like a jealous and cruel husband, and an unnatural and murderous father, than a severe and upright judge. Philip suffered this accusation against him to pass unanswered : Peter, on the contrary, did nothing but in the eye of the world ; he openly declared that he preferred his people to his own son, submitted his cause to the judgment of the principal persons of his kingdom, and made the whole world the judge of their proceedings and his own.

"There was another extraordinary circumstance attending this unhappy affair, which was, that the Empress Catherine, who was hated by the czarowitz, and whom he had publicly threatened with the worst of treatment whenever he should mount the throne, was not in any way accessory to his misfortunes ; and was neither accused, nor even suspected by any foreign minister residing at the Court of Russia, of having taken the least step against a son-in-law from whom she had so much to fear. It is true, indeed, that no one pretends to say she interceded with the Czar for his pardon : but all the accounts of these times, and especially those of the Count de



Bassewitz, agree, that she was greatly affected with his misfortunes.

"I have now before me the memoirs of a public minister, in which I find the following words : 'I was present when the czar told the Duke of Holstein that the Czarina Catherine had begged of him to prevent the sentence passed upon the czarowitz being publicly read to that prince. "Content yourself," said she, "with obliging him to turn monk; for this public and formal condemnation of your son will reflect an odium on your grandson."' "

"The Czar, however, would not hearken to the intercession of his spouse ; he thought there was a necessity to have the sentence publicly read to the prince himself, in order that he might have no pretence left to dispute this solemn act, in which he himself acquiesced ; and that being dead in law, he could never after claim a right to the crown.

"Nevertheless, if, after the death of Peter, a formidable party had risen in favor of Alexis, would his being dead in law have prevented him from ascending the throne?"

"It appears then, from all that has been delivered on this subject in the preceding pages, that Peter was more the king than the parent ; and that he sacrificed his own son to the sentiments of the father and lawgiver of his country, and to the interests of his people, who, without this wholesome severity, were on the verge of relapsing again into that state from which he had taken them. It is evident that he did not sacrifice this son to the ambition of a step-mother, or to the son he had by her, since he had often threatened the czarowitz to disinherit him, before Catherine brought him that other son whose infirm infancy gave signs of a speedy death, which actually happened in a very short time afterwards. Had

Peter taken this important step merely to please his wife, he must have been a fool, a madman, or a coward ; neither of which, most certainly, could be laid to his charge. But he foresaw what would be the fate of his establishments and of his new-born nation, if he had such a successor as would not adopt his views. The event has verified this foresight : the Russian Empire is become famous and respectable throughout Europe, from which it was before entirely separated ; whereas, had the czarowitz succeeded to the throne, everything would have been destroyed. In fine, when this catastrophe comes to be seriously considered, the compassionate heart shudders, and the rigid applauds."

Christian commentators, of more religious feeling than Voltaire, will, we are sure, go further, and declare that whether it be Herod or Philip II., Brutus or Peter the Great, this judgment of death passed by the father on the son is a horrid proceeding ; and however the act may admit of palliation, it must be always looked on as a crime.

## A MURDER DISCOVERED THROUGH THE WIDOW'S AFFECTION.

THIS fine instance of the untiring ardor of a wife in her search for her husband, and in solving the mystery of his disappearance, is also interesting in another point of view. The case exhibits a pertinacity of justice in unraveling crime at a period—the reign of Charles II.—when it becomes all the more creditable, as showing that even then, whatever might be the political partiality of our judges, they were at least firm and resolute in doing their office between man and man.

The strange story, in the report handed down to us, is this.

Thomas Kidderminster was the only son of Walter Kidderminster, of Tupsley, in the county of Hereford; and was at first a man of position, but being wronged out of his paternal estate by the intrigues of his step-mother, he was compelled, very early in life, to enter into the service of the Bishop of Ely, who employed him as his steward, till the commencement of the civil war, and the time when the prelate himself was committed to the Tower for his unshaken loyalty.

Mr. Kidderminster afterwards had the management of other gentlemen's estates in Cambridgeshire. At last, thinking it prudent to convert his property into money, and to endeavor to settle upon or sell his estate, which he claimed in Herefordshire, he sent his wife then *ençainte*, to London, and telling her he would return in about ten days, he departed from Cambridgeshire through Essex, with a number of writings, taking with him about five or six hundred pounds in gold.

Traveling in a bye-road, for safety Mr. Kidderminster took a guide with him ; but, on reaching Chelmsford at night, he discharged him. Mr. Kidderminster himself put up at the White Horse Inn, at Chelmsford, where it appears he had lain at other times, and was very well known; but there he was murdered on the same night, in April, 1654. The last place his wife heard of him was Cambridge. A report was spread that he was gone to Amsterdam, where she sent to inquire for him, but was assured he was not there. After some time, she heard he was at Cork, in Ireland ; thither she also sent, and made a most diligent and exact search for him, both in Cork and Munster. Again there was a rumor that he was in Barbadoes, and again did she have inquiries set on foot at Barbadoes. She continued constantly carrying on investigations after her husband, till her sister, one day, in 1662 or 1663, reading the newspaper of the day, suddenly cried out, "Sister, here's news of your husband !" The intelligence was in these terms :—"The bones of an unknown person, supposed to be robbed and murdered, are found buried in a back yard in Chelmsford. Whosoever can give information of any person missing, let them give notice to Mr. Talcott, coroner, in Feering, or to the constable of Chelmsford, or to Mr. Roper, bookseller, over against St. Dunstan's Church in Fleet Street." Upon Mrs. Kidderminster comparing the time of her husband's being missing, with the time in the newspaper of the supposed murdered body's lying concealed, it appeared to be extremely probable that it referred to him. She immediately went to Mr. Roper's, and by his advice set off for Chelmsford, and for want of conveyance went on foot with a friend.

They proceeded on their journey as far as Stratford, where,

a little beyond the town, they lost their way, turning to the left hand of the road. At last they came to Romford, and, by that time being very weary, went into a house at the further end of the town, the sign of the Black Bull, where they accidentally found one Mary Mattocks, who lived at Horn Church.

Mrs. Kidderminster being now quite worn out, and not able to go on foot any further, inquired whether any horse could be hired in that town. Mrs. Mattocks being present, interposed, and answered that there was no horse to be hired, nor any convenience of coach or wagon to be had upon that day. They asked Mrs. Mattocks how far it was to Chelmsford; she answered fifteen miles. Mrs. Kidderminster asked her again, whether she knew Chelmsford. She replied that she did, very well; for she was born and bred there. "If she knew the White Horse?" "Very well, and one Turner, a very honest man, kept it; but he that kept it formerly was one Sewell, who, if he had had his deserts, had been hanged long ago, for there was certainly a gentleman murdered in the house."

Mrs. Kidderminster was induced to make further inquiry, and told Mattocks that her husband was missed much about that time. Mattocks informed her that the ostler who lived in Sewell's time at the White Horse, now lived at Romford. With an intention to gather from him what circumstances she could, she sent for him, but he refused to come; for the messenger having heard part of the discourse, communicated it to him, which made him unwilling to appear. Mrs. Mattocks then advised Mrs. Kidderminster to go to one Mrs. Shute, her aunt, at the sign of the Cock, at Chelmsford, and she could give her such intelligence as would answer her expectation. Upon this Mrs. Kidderminster and her friend resumed



their journey towards Chelmsford. Mrs. Mattocks, after their departure, told the people of the house that a guilty conscience needs no accuser, and that she had heard the ostler had a hand in the business, and had received £60 and a suit of clothes.

Mrs. Kidderminster went directly to the White Horse Inn, where, after some conversation with Mr. Turner, then master of the house, he advised them to go to Mrs. Sewell's, at the Shears, in Colchester Lane. When her friend went out to Mrs. Sewell, and inquired for the White Horse Inn, Mrs. Sewell asked what business he had there; to which he answered that he was come to inquire about a gentleman that had been murdered there some years ago. To this Mrs. Sewell replied: "Ay, this is Turner's doings; he has put us to great tronble about it already, but I will be avenged on him." They now returned to the White Horse, where Mr. Turner gave his account concerning the discovery and disenterment of the corpse, and the subsequent proceedings, which was this:—

Mr. Turner had pales between his neighbor's meadow and his orchard. A great wind having blown them down, he resolved to make a mud wall; in digging which they found a skull with all the teeth in it but one, and a hole on the left side of the skull, about the size of a crown. Several country people came to see it, who had observed new turf laid upon the place. Upon digging on, they perceived that the corpse had been crammed in double. The coroner sat upon the bones, and the jury found a verdict of murder committed; a blow upon the side of the head being evidently the cause of the person's death. At this time Sewell, who formerly kept the inn, and his wife and two daughters, were alive, as

also the ostler and maid-servant who lived in their family. Mr. Turner, to vindicate the reputation of the house, applied to the justices of the peace of the county, who issued out warrants against Sewell and his wife, who were taken up ; but, upon their examination, they denied all knowledge of the matter. The magistrates, however, bound them to appear at the next assizes, and Mr. Turner to prosecute. Sewell died about a fortnight before the assizes, but it was suspected he was poisoned by his wife. He showed visible signs of a troubled mind. He often desired his wife to allow him to speak to some of the chief men of the town, for otherwise he could not die ; which his wife would not permit. At the assizes, Mrs. Sewell appeared, and nothing being positively proved against her, she was continued under bail till the next assizes, at which time the Lord Chief Justice of the Common Pleas, Sir Orlando Bridgman, went the circuit. His lordship, finding that no clear account of the person murdered could be ascertained, nor who were the murderers, ordered that notice should be inserted in the newspapers, by which means Mrs. Kidderminster had the first intimation of it.

Such was Mr. Turner's account ; but to return to Mrs. Kidderminster's own proceedings. She quitted Chelmsford, and made inquiry at Romford for the ostler, Moses Drayne.

She asked him to describe a man who left his horse behind him when he was ostler at the White Horse, in Chelmsford, and what clothes he wore. He answered that the gentleman was a tall, big, portly man, with his own hair, dark brown, not very long, curled up at the ends ; that he wore a black satin cap, and that his clothes were of a dark gray ; which she found agreed with her husband's figure. She then asked him what hat he wore ; he replied, "A black one." "Nay," said

she, "my husband's was a gray one." At which words he changed color several times, and never looked up in her face afterwards, but told her that one Mary Kendall, who had been a servant at Chelmsford at the time of the gentleman's stay there, could inform her much better. She now left him ; but before she quitted the town she went again to the Black Bull, and spoke to the master of the house, who advised her to speak again with Mrs. Mattocks, for she would be her best evidence. Accordingly the Lord Chief Justice Bridgman was made acquainted with what Mrs. Mattocks could prove ; and he advised her to return again to Romford, and get Mrs. Mattocks to make oath before a justice. Justice Mildmay, of Mildin, issued a warrant for the apprehension of Moses Drayne, the ostler, who was immediately committed. After which Mrs. Kidderminster found Mary Kendall, who could not be prevailed on to make any discovery. She was, however traced to London, and was committed to Newgate. Here she was told by her fellow-prisoners that her running away was an argument of guilt, and that therefore she would be hanged ; upon which she confessed all to Mrs. Kidderminster, and told her that she would not have continued so long in an obstinate denial, but that Sewell's daughters had threatened her that if she confessed, they would swear against her, and have her hanged first.

Sewell's wife in the meantime died of the plague ; but Mrs. Kidderminster, with the special consent of the Lord Chief Justice Bridgman, caused Mary Kendall to be removed from Newgate to Brentwood, the day before the assizes.

The trial of Moses Drayne came on: he pleaded not guilty. Mary Kendall gave in evidence :

That she was a servant maid in the inn where the gentle-

man was murdered, and that she, having dressed herself in her best clothes, had leave of her master to go to Kilden, where her father lived, and upon her return home that night, her mistress bid her fetch a pair of sheets, and lay them upon the bed in the room called the King's Arms. When she came into the room, she found the gentleman standing with his back towards the fire and with his hands behind him. He drank to her, and made her drink up the glass of beer, and bid her go and fetch him a napkin, to make him a cap. He asked her whether she was the man of the house's daughter, or his maid? She answered, she was his servant. The master and mistress being in the room all this while, and having supped together with the gentleman, he, in the presence of the maid and the mistress, delivered his cloak-bag to the master of the house, and told him there was in it near £600, and writings of considerable value. Then her mistress bade her go to bed and lie with the younger children, in the further end of the house, that being not her usual lodging; here she was locked in that night, and her mistress unlocked the door in the morning. She said that between one and two of the clock in the morning, she heard a great fall of something; that it shook the room where she lay, though it was the furthestmost part of the house. When she came down in the morning, she found her master and mistress and the hostler sitting very merrily at the fire, with a flagon of drink before them; none of them having been in bed that night, nor the two daughters, Betty and Priss, who were appointed to lie in the same room where the maid used to be. She not seeing the gentleman stirring in the morning, after some time, asked her mistress if the gentleman was gone. "Yes," answered she, "though you were so good a housewife that you could not get up;" and blamed her for



lying in bed so long. She asked her mistress whether the gentleman left her anything. "Yes," said her mistress, he left you a groat," and put her hand in her purse and gave it her. "Then," said the maid, "I will go and make clean the chamber." "No," said the mistress, "my daughters and I have set that to rights already; do you what you are about, and then go to your flax wheel." The chamber door was kept locked for eight or nine weeks afterwards, and no person admitted to enter it but themselves. Once she asked her mistress why that room was locked, and not kept clean for guests as usual? The mistress answered, "they had no guests fit for that room, for it was kept for gentlemen."

Some time afterwards, on a Sunday, her master gave her the key to fetch his cloak out of his chest, in his chamber; there she saw the gentleman's suit of clothes, and his cloak-bag, which she saw him deliver to them. About nine weeks afterwards, her mistress sent her up into the room where the gentleman had been murdered, to fetch something, it being the first time she had been in that room since it had been locked. She searched over the room, and looked upon the tester of the bed, and there she saw the gentleman's hat, his hanger, boots, and the satin cap which she took off the gentleman's head and hanged upon his hat, and laid it upon the table, when she made a cap of the napkin, and put it on the gentleman's head. She took the gentleman's hat, his hanger, boots and cap, and carried them down to her mistress and the ostler. She asked her mistress, "You said the gentleman was gone to London in a coach; did he go without clothes, or did you lend him some? for I saw his clothes in my master's chest, and these things are his too." The ostler said, "Those things are mine." The maid answered, "You are a rogue; I am sure they were



the gentleman's; I know not whose they are now." Her mistress hearing the maid and the ostler quarreling, she fell upon the maid, and there arose violent words betwixt them, when her mistress broke her head in three several places, so that the blood ran about her ears. The maid talked the louder, and asked her "whether she intended to murder her as she did the gentleman?" Then her master hearing this disturbance, came to them, and persuaded her to hold her tongue and be quiet. She further deposed, that the ostler had from his master £60 of the gentleman's money; for that some short time after the murder, he lent £60 to a woman who kept the Greyhound Inn in the same town; and that that must be the money, for the ostler was worth nothing of his own at the time of the murder; and that the ostler had the gentleman's clothes, which she had seen in her master's chest; and that the ostler sent them to one Clarke's, a dyer, in Mod-sam, to have them dyed into a liver color. The dyer asked him, "Why he would have the color altered, since they were of a better color before?" The ostler answered, that he would have them dyed because he did not like the color; and that about a twelvemonth after, he dyed the gray hat black. Then she deposed further, that her master raised himself to a good condition on a sudden; for before, he was so poor that his landlord would not trust him for a quarter's rent, but would make him pay every six weeks; and that he could not be trusted for malt, but was forced to pay for one barrel under another. That shortly after, they bought a ruined malt-house, and new built it, and usually laid out £40 in a day to buy barley. There was seen, upon a sudden, a great change in the daughters' condition, both as to their clothes and otherwise; and if she bought but a hood for one of the

daughters, there was a piece of gold changed; and they were observed to have gold in great plenty. That the ostler carried a gray hat to the latter's which being left there after the ostler went away, she went thither and viewed it, and begged the head-lining, which she proved to be of a rainbow color.

Mary Mattocks deposed that while Goodwife Shute and she were drying their clothes in the churchyard, Mary Kendall came there also to dry her basket of clothes; and she complained to Goodwife Shute, saying, "My mistress, Sewell, has beaten me cruelly to-day, and broke my head in three places, and almost killed me; but I have told her pretty well of her roguery."—"What roguery?" saith Goodwife Shute. "It is," said she, "concerning the gentleman they murdered there!" "Murdered there!" saith Shute; "dost thou know of any murder done there?" Her kinswoman going away, she held her by the apron, that she might stay to hear what she would say. "No, Goody Shute," said she, "I don't know it, but there is a great suspicion of it." She then told them the story, that in the heat of the quarrel, her master pulled her out of the room, and cried, "Mary, will you leave off prating and be quiet? Can't you be quiet, but you must talk at this rate? Your mistress is a perverse woman, and I'll give you £20, and you shall be gone, and live no longer with her." "And," said she, "Goody Shute, I have the £20, and I do intend to be gone." Said Goody Shute, "Mary, Mary, take heed what you do: I would give them the £20 again, and go and acquaint some justices of the peace of it; for the £20 may hang thee twenty years hence." So they parted. By the next morning all was hushed up at home, and she, Mary Kendall, came to Goodwife Shute, and begged of her to say

nothing of their yesterday's discourse ; for what she had then said proceeded from passion, or else she had never said it. Said Shute, "If I do not hear it questioned, I shall say nothing of it ; but if at any time it comes in question, I will both say it, and make you say so to." But Mary Kendall being re-examined to this matter, denied the receiving of the £20.

There were two women, one of them a washerwoman of that town, and the other a Quaker, that lived in the next house to Mr. Sewell, who both gave evidence at the trial. The washerwoman was going by the house very early, between one and two in the morning, to wash in the town, and the Quaker was sitting up for her husband, who was not then come home. They both of them made oath, that about those hours they heard a noise in Mr. Sewell's house, and a man's voice crying, "What ! will you rob me of my money, and murder me too ? If you take my money, spare my life." Then they heard something that fell very heavy, and a noise as it were of chairs and stools thrown about the room, and all the lights put out, and after that no further noise was heard.

The next morning these women inquired at the inn what might be the occasion of the noise the night before, for they thought they heard somebody cry out, "Murder !" But they were answered, they must be mistaken, for there was no noise there, nor was any person in the house but their own family.

William Denton, Mr. Kidderminster's servant in the Isle of Ely, was produced as evidence to prove the horse, and the gentleman's clothes and hat, which he did.

Upon this evidence the jury found Moses Drayne, the ostler, guilty ; and after sentence he was remanded to prison, where he was about to make a sincere confession ; but his wife com-

ing in in the meantime, took hold of him, and bade him hold his tongue and confess no more; for if he died for it, he should hang nobody else.

Moses Drayne having confessed that Betty, the eldest daughter, had a share in the murder, and Mary Kendall having sworn at the trial that the two sisters were not in bed that night the murder was committed, Mrs. Kidderminster moved the coroner to procure a warrant from a justice of the peace to apprehend the two sisters; which being done, they were bound over to appear at the next assizes. When the assizes came, both the daughters appeared, and a bill of indictment was preferred against them to the grand jury before whom Mary Kendall gave the same evidence that she had done before at the trial of Moses Drayne, and there was also what he had said in the prison. But the grand jury thinking the proof not sufficient to find the bill, returned an *ignoramus*, and the two sisters were discharged by proclamation.

## THE POET SAVAGE.

Transformed by thoughtless rage and midnight wine,  
From malice free, and pushed without design  
In equal brawl, if Savage lung'd a thrust,  
And brought the youth a victim to the dust,  
So strong the hand of accident appears,  
The royal grace from guilt and vengeance clears.

*Old Magazine.*

THE sad history of the poet Savage, the victim of his mother's unnatural and untiring malignity, is now a matter of general notoriety, since the eloquent pen of Dr. Johnson has immortalized his sufferings and her shame. This case of cruelty, it was to be hoped, had no parallel, but unfortunately the present age affords another similar example of a parent dooming his son, also a man of genius, to continual misery and distress, whilst this parent going still further, leaves his whole princely fortune to the British nation. The son, in this latter instance, if like Savage in some of his failings, resembles him also in his talents and his literary reputation. He has, however, this more melancholy fact to add to his story—the country which has taken the father's money, allows the son to perish neglected and penniless. When the last act of such a tragedy, now verging to its conclusion, is accomplished, it will hang heavily on the honor and the memory of England. But to return to Savage.

The object here being merely to give that part of Savage's



career which relates to his trial for murder, reference need only be made to Dr. Johnson's life for all the other strange and deeply interesting matter about him. Suffice it now to say that Richard Savage, the poet, was the son of Anne,\* the wife of Charles Gerard, Second Earl of Macclesfield, who herself rendered the child illegitimate, and obtained the divorce she wanted, by proclaiming her own infamy, and declaring its real father to be Richard Savage, Earl of Rivers. Through her machinations this son was, from his birth, cast into obscurity and brought up in misery. The whole subsequent existence of Savage was a struggle between the undeniable genius that would have elevated him to happiness as it did to fame, and the unceasing persecution of his mother that abased and degraded him. Under this unnatural oppression the firm mind of the poet would now and then sink utterly down, until, fortunately for posterity, his inherent buoyancy brought it into vivid and beautiful vitality again. Despondency, drink and dissipation, too often the fatal tempters of men of genius, would, for a time, take complete possession of poor Richard Savage. It was in one of those melancholy periods that befel him the misfortune which, as asserted by Dr. Johnson and the other reporters handed down to us, is as follows :—

On the 20th of November, 1727, Mr. Savage came from Richmond, where he then lodged, that he might pursue his studies with less interruption, with an intent to discharge another lodging which he had in Westminster; and accidentally meeting two gentlemen, his acquaintances, whose names were Merchant and Gregory, he went in with them to a neigh-

\* Anne, Countess of Macclesfield, was daughter of Sir Richard Mason, Kt of Shropshire.

boring coffee-house, and sat drinking till it was late; it being in no time of Mr. Savage's life any part of his character to be the first of the company that desired to separate. He would willingly have gone to bed in the same house; but there was not room for the whole company, and therefore they agreed to ramble about the streets, and divert themselves with such amusements as should offer themselves, till morning.

In this walk they happened unluckily to discover a light in Robinson's coffee-house, near Charing Cross, and therefore went in. Merchant with some rudeness demanded a room, and was told that there was a good fire in the next parlor, which the company were about to leave, being then paying their reckoning. Merchant, not satisfied with this answer, rushed into the room, and was followed by his companions. He then petulantly placed himself between the company and the fire, and soon after kicked down the table. This produced a quarrel, swords were drawn on both sides, and one, Mr. James Sinclair, was killed. Savage, having wounded likewise a maid that held him, forced his way with Merchant out of the house; but being intimidated and confused, without resolution either to fly or stay, they were taken in a back court by one of the company, and some soldiers, whom he had called to his assistance.

Being secured and guarded that night, they were in the morning carried before three justices, who committed them to the gatehouse, from whence, upon the death of Mr. Sinclair, which happened the same day, they were removed in the night to Newgate, where they were, however, treated with some distinction, exempted from the ignominy of chains, and confined, not among the common criminals, but in the press-yard.

The trial came on at the Old Bailey, on the 7th December,

1727, before Sir Francis Page, a judge of the Court of King's Bench.

Richard Savage, James Gregory, and William Merchant, were indicted for the murder of James Sinclair: Savage, by giving him, with a drawn sword, one mortal wound in the lower part of the body, of the length of half an inch, and the depth of nine inches, on the 20th of November, 1727, of which mortal wound he languished till the next day, and then died; and Gregory and Merchant by being present, aiding, abetting, comforting, and maintaining the said Savage, in committing the said murder.

At the request of the prisoners, the witnesses were examined apart. Their evidence was this:—

Mr. Nuttal.—On Monday, the 20th of November last, about eleven at night, the deceased and Lemery, his brother, and I, went to Robinson's coffee-house, near Charing Cross, where we stayed till one or two in the morning. We had drunk two three-shilling bowls of punch, and were just concluding to go, when the prisoners came into the room. Merchant entered first, and, turning his back to the fire, he kicked down our table without any provocation. "What do you mean?" said I; and "What do you mean?" said Gregory. Presently Savage drew his sword, and we retreated to the further end of the room. Gregory drawing too, I desired them to put up their swords, but they refused. I did not see the deceased draw, but Gregory turning to him, said, "Villain, deliver your sword; and soon after he took the sword from the deceased. Gregory's sword was broken in the scuffle; but, with the deceased's sword and part of his own, he came and demanded mine; and I refusing to deliver it, he made a thrust at me. I defended myself. He endeavored to get my

sword from me ; but he either fell of himself, or I threw him, and took the deceased's sword from him. I did not see Savage push at the deceased, but I heard the deceased say, "I am a dead man !" And soon afterwards the candles were put out. I afterwards went up to the deceased, and saw him wounded. The maid of the house came in, and kneeled down to suck the wound, and it was after this that the soldiers came in ; and I and Gregory were carried to the watch-house.

Gregory.—Did not I say, "Put up your sword?"

Nuttal.—There might be such an expression, but I cannot call to mind when it was spoke.

Mr. Lemery.—I was with the deceased, Mr. Nuttal, and my brother, at Robinson's coffee-house, and we were ready to go home, when somebody knocked at the door. The landlady opened it, and let in the prisoners, and lighted them into another room. They would not stay there, but rudely came into ours. Merchant kicked down the table. Our company all retreated. Gregory came up to the deceased, and said, "You rascal, deliver your sword." Swords were drawn. Savage made a thrust at the deceased, who stooped and cried, "Oh !" At which Savage turned pale, stood for some time astonished, and then endeavored to get away, but I held him. The lights were then put out. We struggled together. The maid came to my assistance, pulled off his hat and wig, and clung about him. He, in striving to force himself from her, struck at her, cut her in the head, and at last got away. I went to a night-cellar, and called two or three soldiers, who took him and Merchant in a back court. When Savage gave the wound, the deceased had his sword drawn, but held it with the point down towards the ground, on the left side. As to Merchant, I did not see that he had any sword.



Mr. Nuttal, again,—Nor I ; nor did I see him in the room after the fray began. But after the candles were put out, he was taken with Savage in a back court.

Jane Leader.—I was in the room, and saw Savage draw first. Then Gregory went up to the deceased, and Savage stabbed him ; and, turning back, he looked pale. The deceased cried, “ I am dead ! I am dead ! ” I opened his coat, and bid the maid servant snck the wound. She did, bnt no blood came. I went to see the deceased upon his death-bed, and desired him to tell me how he was wonnded. He said the wound was given him by the least man, in black ; this was Savage, for Merchant was in colored clothes, and had no sword ; and that the tallest of them, which was Gregory, past, or struck his sword, while Savage stabbed him. I did not see the deceased’s sword at all, nor did he open his lips, or speak one word to the prisoners.

Mrs. Edersby.—I keep Robinson’s coffee-house. When I let the prisoners in, I perceived they were in drink. I showed them a room. They were very rude to me. I told them, if they wanted any liquor, they should have it ; bnt, if they did not I desired their absence. Upon which one of them took up a chair, and offered to strike me with it. They went into the next room, which is a public coffee-room in the day-time. Merchant kicked down the table. Whether the other company were sitting or standing at that table, I cannot be positive ; but it was a folding-table with two leaves, and there were two other tables in the same room. Swords were drawn ; the deceased was wounded, and Savage struggled with the maid-servant, and cut her over the head with his sword.

Mary Rock, the maid.—My mistress and I let the prisoners into the house. My mistress showed them a room. Merchant



pulled her about very rudely, and she making resistance, he took up a chair, and offered to strike her with it. Then asking who was in the next room? I answered, "Some company who have paid their reckoning, and are just going, and you may have the room to yourselves, if you will have but a little patience." But they would not, and so they ran in. I went in not long after, and saw Gegory and Savage with their swords drawn, and the deceased with his sword in his hand, and the point from him. Soon after I heard one of them say, "Poor dear Sinclair is killed !" I sucked the wound, but it would not bleed. Savage endeavored to get away, but I stopped him. I did not see the wound given to the deceased, but I afterwards saw the encounter between Mr. Nuttall and Mr. Gregory.

The Rev. Mr. Taylor, a clergyman.—On the 21st of November I was sent for to pray by the deceased, and after I had recommended him to the mercy of Almighty God, Mr. Nuttall desired me to ask him a few questions ; but, as I thought it not belonging to my province, I declined it. Mr. Nuttall, however, willing to have a witness to the words of a dying man, persuaded me to stay while he himself asked a question. And then, turning to the deceased, he said, "Do you know from which of the gentlemen you received the wound?" The deceased answered, "From the shortest, in black, [which was Savage,] the tallest seized hold of my sword, and the other stabbed me."

Rowland Holderness, watchman.—I came to the room just after the wound was given, and then I heard the deceased say, "I was stabbed barbarously, before my sword was drawn."

John Wilcox, another watchman.—I saw the deceased lean-

ing his head upon his hand, and heard him then say, "I am a dead man, and was stabbed cowardly."

Mr. Wilkey, surgeon.—I searched the wound; I believe that wound was the cause of his death.

Court.—Do you think the deceased could have received that wound in a posture of defence?

Mr. Wilkey.—I believe he could not, except he was left-handed.

The defence of the prisoners amounted to this.

Mr. Gregory said, that the reason of their going into that room was for the benefit of the fire; that the table was thrown down accidentally; that the house bore an infamous character, and some of the witnesses lay under the imputation of being persons who had no regard to justice or morality.

Mr. Savage having given the court an account of his meeting with Gregory and Merchant, and going with them to Robinson's coffee-house, made some remarks on what had been sworn by the witnesses, and declared that his endeavoring to escape was only to avoid the inclemencies of a jail.

Then the prisoners called their witnesses.

Henry Huggins, Thomas Huggins, and Robert Fish, deposed, that they were present at the latter part of the quarrel, and saw Mr. Nuttal engaged with Mr. Gregory, and struggling with a sword. This only confirmed part of Nuttal's evidence. They added that the coffee-house was a house of ill fame.

Mary Stanley deposed, that she had seen the deceased in a quarrel before that in which he was killed; that Mr. Nuttal and he were very well acquainted, and that Jane Leader was a person of bad repute.

John Pearce deposed, that Jane Leader told him, that when

the swords were drawn she went out of the room, and did not see the wound given, that she was a woman of ill reputation, and that the coffee-house had a bad character.

John Eaton deposed, that he had known the deceased about two months, and had heard that his character was but indifferent.

Mr. Rainby deposed, that the morning after the accident, he went to the coffee-house to inquire for Mr. Merchant, and then heard Mr. Nuttal say, that if he had any of the prisoners in a convenient place he would cut their throats, provided he could be sure of escaping the law.

Mr. Cheeseborough deposed to the same effect.

Mr. Nuttal.—Being moved with the barbarous treatment my friend had met with, I believe I might say, that if I had them in an open field, I would not have recourse to the law, but do them justice myself.

Then Mr. Nuttal called several gentlemen, who deposed he was a man of reputation, civility, and good manners.

Several persons of distinction appeared in behalf of the prisoners, and gave them the characters of good-natured, quiet, peaceable men, and by no means inclinable to be quarrelsome.

And the prisoners then said, they hoped the good characters that had been given them, the suddenness of the unfortunate accident, and their having no premeditated malice, would entitle them to some favor.

Mr. Justice Page having summed up the evidence, observed to the jury, that as the deceased and his company were in possession of the room, if the prisoners were the aggressors by coming into that room, kicking down the table, and immediately thereupon drawing their swords without provocation,

and the deceased retreated, was pursued, and killed in the manner as had been sworn by the witnesses, it was murder, not only in him who gave the wound, but in the others who aided and abetted him. That as to the characters of the prisoners, good character is of weight where the proof is doubtful, but flies up when put in the scale against plain and positive evidence; and as to the suddenness of the action, where there is a sudden quarrel, and a provocation is given by him who is killed, and where suddenly and mutually persons attack each other and fight, and one of them is killed in the heat of blood, it is manslaughter. But where one is the aggressor, pursues the insult, and kills the person attacked, without any provocation, though on a sudden, the law implies malice, and it is murder.

So far the judge's exposition of the law was all right and good, but what he is further reported to have said is not quite so creditable to him. The conclusion of his address was in these words :—

“Gentlemen of the jury, you are to consider that Mr. Savage is a very great man, a much greater man than you or I, gentlemen of the jury; that he wears very fine clothes, much finer clothes than you or I, gentlemen of the jury; that he has abundance of money in his pocket, much more money than you or I, gentlemen of the jury; but, gentlemen of the jury, is it not a very hard case, gentlemen of the jury, that Mr. Savage should therefore kill you or me, gentlemen of the jury?”

Mr. Savage, hearing his defence thus misrepresented, and the men who were to decide his fate incited against him by invidious comparisons, resolutely asserted, that his case was not candidly explained, and began to recapitulate what he had before said with regard to his condition, and the necessity of

endeavoring to escape the expenses of imprisonment; but the judge having ordered him to be silent, and repeated his orders without effect, commanded that he should be taken from the bar by force.

The jury then deliberated upon their verdict, and determined that Mr. Savage and Mr. Gregory were guilty of murder; and Mr. Merchant, who had no sword, only of manslaughter.

Thus ended this memorable trial, which lasted eight hours. Mr. Merchant, being convicted of felony, with benefit of clergy, was, according to the absurd law and practice of those days, burnt in the hand and discharged. Mr. Savage and Mr. Gregory were conducted back to prison, where they were more closely confined, and loaded with irons of fifty pounds weight; four days afterwards they were sent back to the court to receive sentence; on which occasion Mr. Savage made, as far as it could be retained in memory, the following speech :—

“ It is now, my lord, too late to offer anything by way of defence or vindication; nor can we expect from your lordships, in this court, but the sentence which the laws require you, as judges, to pronounce against men of our calamitous condition. But we are also persuaded that as mere men, and out of this seat of rigorous justice, you are susceptible of the tender passions, and too humane not to commiserate the unhappy situations of those, whom the law sometimes perhaps exacts from you to pronounce upon. No doubt you distinguish between offences which arise out of premeditation, and a disposition habituated to vice and immorality; and transgressions which are the unhappy and unforeseen effects of casual absence of reason, and sudden impulses of passion: we there-



fore hope you will contribute all you can to an extension of that mercy which the gentlemen of the jury have been pleased to show Mr. Merchant, who (allowing facts as sworn against us by the evidence) has led us into this our calamity. I hope this will not be construed as if we meant to reflect upon that gentleman, or remove anything from us upon him, or that we repine the more at our fate because he has no participation of it: no, my lord; for my part, I declare nothing could more soften my grief, than to be without any companion in so great a misfortune."

Mr. Savage had now no hopes of life, but from the mercy of the crown, which was very earnestly solicited by his friends, and which, with whatever difficulty the story may obtain belief, was obstructed only by his mother.

To prejudice the queen against him, she made use of an incident which had previously occurred. Mr. Savage, when he had discovered his birth, had an incessant desire to speak to his mother, who always avoided him in public, and refused him admission into her house. One evening, walking, as it was his custom, in the street that she inhabited, he saw the door of her house by accident open; he entered it, and, finding no person in the passage to hinder him, went up stairs to salute her. She discovered him before he could enter her chamber, alarmed the family with the most distressful outcries, and when she had by her screams gathered them about her, ordered them to drive out of the house that villain, who had forced himself in upon her, and endeavored to murder her. Savage, who had attempted with the most submissive tenderness to soften her rage, hearing her utter so detestable an accusation, thought it prudent to retire; and never attempted afterwards to speak to her.

But shocked as he was at her falsehood and her cruelty, he imagined that she intended no other use of her lie than to set herself free from his embraces and solicitations, and was very far from suspecting that she would treasure it in her memory as an instrument of future wickedness, or that she would endeavor, for this fictitious assault, to deprive him of his life.

But when the queen was solicited for his pardon, and informed of the severe treatment which he had suffered from his judge, she answered that however unjustifiable might be the manner of his trial, or whatever extenuation the action for which he was condemned might admit, she could not think that man a proper object of the king's mercy, who had been capable of entering his mother's house in the night, with an intent to murder her.

By whom this atrocious calumny had been transmitted to the queen ; whether she that invented had the front to relate it : whether she found any one weak enough to credit it, or corrupt enough to concur with her in her hateful design, is not known ; but methods had been taken to persuade the queen so strongly of the truth of it, that she for a long time refused to hear any one of those who petitioned for his life.

Thus had Savage perished by the evidence of a woman of ill-fame—a keeper of a disreputable coffee-house, her servant, and his mother—had not justice and compassion procured him an advocate of rank too great to be unheard, and of virtue too eminent to be heard without being believed. His merit and his calamities happened to reach the ear of the Countess of Hertford, (the wife of Algernon, Earl of Hertford, afterwards seventh Duke of Somerset,) who engaged in his support with all the tenderness which is excited by pity.

and all the zeal which is kindled by generosity; and, demanding an audience of the queen, laid before her the whole series of his mother's cruelty, exposed the improbability of an accusation by which he was charged with an intent to commit a murder that could produce no advantage, and soon convinced her how little his former conduct could deserve to be mentioned as a reason for extraordinary severity.

The interposition of this lady was so successful, that he was soon after admitted to bail, and on the 9th of March, 1728, he and Mr. Gregory pleaded the king's pardon, and were set at liberty.

Richard Savage died in utter misery the 31st July, 1743 : he was at the time a prisoner for a debt of eight pounds, in Bristol gaol, and he breathed his last there, with no one to witness his final agony but Mr. Dagge, the humane keeper of the prison, at whose expense he was buried in the churchyard of St. Peter, Bristol.

The mother of Savage, who survived him and saw her work of hate fully accomplished, ended her infamous life, in comfort, at her house in Old Bond St., on the 11th October, 1753, aged 80. As we sometimes see in the case of very great sinners, her wickedness was of that cast which, too enormous to be punished here, has to await its consequences in another world than this.

The feeling lines by Savage in his "Plain Dealer," alluding to himself, form an appropriate conclusion to his tale of woe :—

Hopeless, abandon'd, aimless and oppress'd,  
Lost to delight, and every way distress'd,  
'Cross his cold bed, in wild disorder thrown,  
Thus sigh'd Alexis, friendless and alone—

Why do I breathe ? what joy can being give,  
When she who gave me life, forgets I live ?  
Feels not these wintry blasts—nor heeds my smart,  
But shuts me from the shelter of her heart !  
Saw me expos'd to want ! to shame ! to scorn !  
To ills which make it misery to be born !  
Cast me, regardless, on the world's bleak wild ;  
And bade me be a wretch, while yet a child !  
Where can he hope for pity, peace, or rest,  
Who moves no softness in a mother's breast ?  
Custom, law, reason, all my cause forsake,  
And nature sleeps, to keep my woes awake.  
Crimes which the cruel scarce believe can be,  
The kind are guilty of, to ruin me !  
Even she who bore me, blasts me with her hate,  
And, meant my fortune, makes herself my fate !  
Yet has this sweet neglecter of my woes,  
The softest, tenderest breast that pity knows !  
Her eyes shed mercy wheresoe'er they shine ;  
And her soul melts at every woe—but mine.  
Sure then some secret fate, for guilt unwill'd,  
Some sentence pre-ordain'd to be fulfill'd ;  
Plung'd me thus deep in sorrow's searching flood,  
And wash'd me from the memory of her blood.  
But oh ! whatever cause has mov'd her hate,  
Let me but sigh in silence at her fate ;  
The God within perhaps may touch her breast,  
And when she pities, who can be distress'd ?

THE CRIME COMMITTED BY JOHN WOODBURNE,  
AND ARUNDEL COKE, ESQ. ; AND THE EXTRA-  
ORDINARY DEFENCE OF THE LATTER AT HIS  
TRIAL.

PREVIOUS to the passing of the statute called the Coventry Act, cutting and maiming, even when the party so injured was rendered a cripple for life, was not a capital offence, unless death ensued. One form of this practice, called ham-stringing—that is, cutting the sinews of men's legs—was often resorted to by thieves, in order that they might with the more ease and certainty accomplish their object, by thus preventing the escape of their intended victim.

The Coventry Act originated in the following circumstance :—Sir John Coventry having, in the reign of Charles II., opposed the measures of the court in the House of Commons, some ruffians, in revenge, attacked him one night, in Covent Garden, slit his nose, and cut off his lips. Horror at this atrocious outrage, and, it may be, some fears for their own personal safety, induced Parliament to bring in at once, and to pass within a few days, a bill enacting, that “Unlawfully cutting out, or disabling the tongue, of malice aforethought, or by laying in wait, putting out an eye, slitting the nose or lip, or cutting off or disabling any limb or member of any person, with intent to maim or disfigure, shall be felony without benefit of clergy;” that is, subject to capital punishment. By the same law, it was likewise enacted, that “accessories



shall likewise be deemed principles." This law has since been modified and altered by more recent statutes.

To now come to the present subject connected with the Act—Arundel Coke. This person was born at Bury St. Edmund's, in the county of Suffolk. His father was a man of fortune, who gave his son a university education, and afterwards sent him to the Temple, where in due course he was called to the bar, and continued the pursuit of his profession. Not long after, he married a young lady, the sister of a Mr. Crispe, who lived in the neighborhood of his native place. Mr. Crispe, being a gentleman of large property, but of a bad state of health, made his will in favor of Coke, subject only to a jointure for his sister's use, which was likewise to become the property of the counselor, in case the lady died before her husband. Within a brief period after Mr. Crispe had made his will, he recovered his health in some degree; but he continued an infirm man, though he lived a number of years. This partial recovery gave great uneasiness to Coke, who, wishing to possess the estate, was anxious for the death of his brother-in-law. Nevertheless he had art enough to conceal his sentiments, and they appeared to live on tolerable terms. At length, he grew so impatient that he resolved to remove Mr. Crispe by murder. With this view he applied to a laboring man, one John Woodburne, to assist him; who, being burdened with six children, was easily tempted by a bribe of £100, to enter into Coke's projects.

Finally it was agreed that the murder should be perpetrated on Christmas evening; and as Mr. Crispe was to dine with Coke on that day, and the churchyard lay between one house and the other, Woodburne was to wait concealed behind one of the tombstones till Coke gave him the signal to attack,

which was to be a loud whistle. Crispe came to his appointment, and dined and drank tea with his brother-in-law; but, declining to stay supper, he left the house about nine o'clock, and was almost immediately followed into the churchyard by Coke, who giving the agreed signal, Woodburne quitted his place of retreat, knocked down the unhappy man, and cut and maimed him in a terrible manner; in which he was abetted by the counselor. Imagining they had despatched him, Mr. Coke rewarded Woodburne with a few shillings, and instantly went home; but he had not arrived more than a quarter of an hour before Mr. Crispe knocked at the door, and entered covered with wounds, and almost dead through loss of blood. He was unable to speak, but by his looks seemed to accuse Coke with the intended murder, and was then put to bed, and his wounds dressed by a surgeon. At the end of about a week he was so much mended as to be able to be removed to his own house. But though he had no doubt of Coke's participation in the assault, he had resolved not to speak of the affair till future circumstances made it necessary for him to inform a court of justice of what had happened.

Coke and his accomplice were eventually brought to trial before Sir Peter King, Lord Chief Justice of the Common Pleas, at the Suffolk assizes in 1722, on the capital charge of the malicious maiming and wounding. They pleaded not guilty, and the counsel for the crown thus addressed the jury :

Mr. Lee (afterwards Sir William Lee, Chief Justice of the King's Bench.)—May it please your lordship, and you gentlemen of the jury, I am of counsel for the king against the prisoners at the bar, who are indicted for felony on the 22nd and 23rd Car. II. entitled, "An Act to prevent malicious

Maiming and Wounding." And the indictment sets forth, that the prisoners, the 1st day of January, in the 8th year of his present majesty, at Bury St. Edmund's in this country, did on purpose, and of malice fore-thought, and by lying in wait, make an assault unlawfully and feloniously upon Edward Crispe, gent., and that the prisoner, John Woodburne, with a bill which he then had in his right hand, did on purpose, of malice fore-thought, and by lying in wait, slit the nose of the nose of the said Edward Crispe, with an intent in so doing to disfigure the said Edward Crispe; and that the prisoner, Arundel Coke, at the time of committing the said felony, on purpose, and of his malice fore-thought, and by lying in wait, was unlawfully and feloniously present, aiding and abetting the said John Woodburne to commit the said felony: all which is laid to be done contrary to the form of the statute. If we who are counsel for the king prove this matter, you will find them guilty.

Serj. Selby.—May it please your lordship, and you gentlemen of the jury, I am counsel *pro hac vice*, for the king against the prisoners at the bar, who stand indicted upon the statute of the 22nd of King Charles, the one for maliciously maiming and disfiguring of Edward Crispe, the other for abetting that fact, which by that Act is made one and the same offence. I said, gentlemen, I was counsel for the king; for that his majesty, as the father of his people, and for their safety, out of his natural goodness hath been graciously pleased particularly to regard this prosecution for so horrid and bloody an assassination. And though, gentlemen, it is difficult to stand in this place without the greatest tenderness to our fellow-creatures, yet these who have divested themselves of all humanity, now cease to be such; it is even cruelty to

the king's people, not to stand up against them so far as is consistent with law and justice. Their prosecution is become the common concern of mankind ; for so long as these prisoners have a being here, the life of every man is precarious, and but at the will of so infernal a contriver as the one, and so hellish an executioner as the other.

We shall first, gentlemen, prove the fact committed, and that by Mr. Crispe himself, who by a particular providence hath survived this horrid attempt, and is here to give evidence of it, and that he was invited with his wife by Mr. Coke (who married Mr. Crispe's sister, and who was to have Mr. Crispe's estate by his decease) to sup at his honse; that Mr. Coke proposed to him to go after snpper to make a visit to Mrs. Monke, (whose name we mention without any the least imputation,) to which Mr. Crispe consented ; that Mrs. Monke's honse opens into the churchyard, which is but cross the way from Mr. Coke's house ; that Mr. Coke took Mr. Crispe along with him about ten or eleven at night, it being dark, into the churchyard, and walked him about near Mrs. Monke's door, without going in, and then making some noise or whistling, a person came up to him and knocked Crispe down, after which he was not sensible ; that being left for dead, after some time he got up, and returned, he did not know how, to Mr. Coke's house, where the company received him with great consternation, as did Mr. Coke himself, who soon returned after walking ont with Mr. Crispe, ont of breath, and called for a glass of wine ; and being asked what was become of Mr. Crispe, said he was stnmbling home in the dark.

This we shall prove by Mr. Brown, another relation. We shall prove by Mr. Sturgeon, who was called as his surgeon,



the condition of his wounds; and by Carter, a blacksmith, that Mr. Coke about the Friday before the fact was committed, sent for him, and asked (after a previous discourse of Carter's poverty, and how he might live well in the world) if he would cut off ten mens' heads without remorse; which, when Carter said he could not, if he would cut off one man's head, and lay it before Coke; which Carter refusing, Mr. Coke bid him consider on it, and come again; then gave him a glass of brandy, and dismissed him, bidding him send Woodburne to him. We shall prove by one Moone, a tailor, that Mr. Coke about three years since, solicited him to the like effect. We shall prove by Willet, the constable, that after Woodbourne was taken up, he confessed the fact, said he did it with a hedging-bill, and gave him directions where to find it, and he found it accordingly; which Woodburne, when showed him, acknowledged to be the same, and which we have here to produce. We shall prove by Mr. Wetherell, the gaoler, that Mr. Coke, since he was in his custody, confessed the whole fact, and that Woodburne was placed in a porch of an empty house near Mr. Coke's to come out on a whistle to do the fact; and that he delivered Mr. Crispe to Woodburne, and was present when the fact was committed. And after this evidence, there can be no doubt, gentlemen, but you will find the prisoners at the bar guilty of this indictment.

Serj. Branthwaite.—My lord, the defendants are indicted of felony, upon an Act of Parliament, made 22 and 23 Car. 2, by which Act, if any person or persons on purpose, and of malice forethought, and by lying in wait, shall unlawfully cut or disable the tongue, put out the eye, slit the nose, &c., with an intention in so doing to maim or disfigure; the person or



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persons so offending, their counselors, aiders and abettors, knowing thereof, are felons without benefit of clergy. The indictment charges the defendants with feloniously making an assault on Mr. Crispe; that Woodburne slit his nose with a bill or hook; that Coke was aiding and assisting therein. We shall be able, by undoubted evidence, to prove and make clear the charge of the indictment, and every particular thereof; as has been opened to you, and that the manner of doing it was attended with such circumstances of inhumanity, baseness and villany, as no instance can parallel. Mr. Crispe is brother-in-law to Mr. Coke, who on the 1st day of January last, under the color of friendship and affection, invites Mr. Crispe and family to supper at Coke's house. Before this invitation he had agreed with Woodburne for hire, to lie in wait on purpose to effect the designed mischief. When Woodburne was lying in wait, Coke came several times to him to encourage him in his vile purpose. After supper, Mr. Coke, unmindful of all the obligations of brotherly love, of hospitality, and of the protection due to Mr. Crispe, by false and vile arts and persuasions entices him into the churchyard, the place designed and agreed upon for the execution of their wicked purposes. When he had got Mr. Crispe into this place, by sign he gave notice of it to Woodburne, who had followed at some distance; and then delivered him into the possession of Woodburne, and was present at the striking several blows with the hook. By the nature of the instrument, every blow must maim and disfigure; and the blows being given by the order and direction of Mr. Coke by Woodburne, Mr. Crispe's nose was slit on purpose to maim and disfigure by one lying in wait: which are all the circumstances required by the Act of Parliament to make them guilty of the

felony with which they are charged. Which several facts we shall call our witnesses to make out, and doubt not but the jury will find them guilty.

The evidence bore out the statement of counsel.

Carter's testimony is curious : it was this.

Serj. Selby.—Call John Carter. (Who appeared and was sworn.) What trade are you of?

Carter.—A blacksmith.

Serj. Selby.—Did Coke at any time send Woodburne for you, and what past thereon?

Carter.—On the Friday before New-year's-day last, which was on a Monday, Mr. Coke sent Woodburne to me, who told me his master Coke wanted to speak with me.

Serj. Selby.—Did you go?

Carter.—Yes; I went to his house, and he ordered me to come up to him in his chamber. When I came up, he told me that he wanted a good strong horse to carry his weight. I told him I did not know of any one then; but when I did, I would let him know. Upon that he said, "How do you go on, boy? I hear you have lost most of your business, you have got no iron nor coals, and you are afraid of a jail; I have a thing now in agitation that will make a man of you as long as you live." I said I should be very glad of that. Said he, "Can you keep a secret?" "Yes," said I, "as well as any one, to serve myself and my friend." Said he, "Can you keep one of the biggest secrets in the world?" I told him, as well as anybody. Said he, "You are pretty much in debt, and if you will serve me in this, I can make a man of you as long as you live: do you think you could cut five or six men's heads off without scruple of conscience?" I told him, "No; it was too much for a man's conscience to bear." Said he, "What!

a scruple of conscience to do such a thing as that? There are those above who have done ten times worse." "I suppose, sir," said I, "you mean the South Sea gentlemen." "Yes," said he, "so I do; they have ruined families, and beggered gentlemen: to cut men's heads off is but a trifle to them." Said I, "Mr. Coke, I believe you speak only in joke by way of merriment." Said he, "What, do you think I sent for you by way of joke?" I told him I could not do any such thing. "Then," said he, "do you think you can cut off one man's head without scruple of conscience?" I told him "No." "Then," said he, "if you can't cut off a man's head, and lay it down upon the table before me, you are not for my turn." On that he fetched a bottle of brandy, and gave me a glass or two, and then said to me, "Carter, I would have you go home, and consider of it for two or three days, and if you can cut off a man's head without scruple of conscience, you shall have plenty of gold and silver, and anything else you ask." I told him, I needed no consideration, for I could not do it. "Then," said he, "send Woodburne to me." And as I went out, I saw Woodburne at the door, and sent him in to Mr. Coke.

Serj. Selby.—Did he say anything else to you, or anything about Mr. Crispe?

Carter.—I live in the house of Mr. Crispe's, and Mr. Coke had been formerly his steward, and Woodburne acted under him. And Mr. Coke said, that he heard my house was out of repair, that it would be his after Mr. Crispe, and whether I should not like it better for him to keep it in repair, as he had done before.

Woodburne's answer to the charge was merely that what he did, he did by the procurement of Coke; and Coke's extraor-

dinary defence was, that he could not be convicted under the statute, because his intention was not to maim, but to murder his victim.

The jury found them both guilty, and when the next day they were brought up for sentence, Coke again urged that "judgment could not pass on the verdict, because the Act of Parliament simply mentions an intention to maim or deface, whereas he was firmly resolved to have committed murder." He quoted several law cases in favor of the arguments he had advanced, and hoped that judgment might be respited till the opinion of the twelve judges could be taken on the case. The counsel for the crown opposed the arguments of Coke; insisted that the crime came within the meaning of the law, and demanded that judgment should pass against the prisoners.

Lord Chief Justice.—I do agree with the prisoner, that this is a penal law, and not to be extended by equity: that he that is guilty within this statute, must be guilty of all the circumstances within it, and if any one of the circumstances prescribed by the statute be wanting, he is not guilty. And therefore in all those cases put by you, if any one of the circumstances prescribed by the statute be wanting in any one of them, such case is out of the statute. But whether all the circumstances required by the statute did not concur in your case, was a matter of fact which the jury, who are the proper judges, have tried; and on such trial they have found them all to concur. You seem to argue upon a supposition of this fact to be otherwise than the jury have found it. The jury have found you guilty of all the circumstances within the statute. There was no matter of law in this case, but matter of fact; whether on purpose, and of malice forethought, and by lying in wait, the nose of Mr. Crispe was not slit, with



intention, in so doing, to maim or disfigure? And whether you were not feloniously present, aiding and abetting? The jury had the whole evidence before them; they considered of the whole matter, of the preparation and lying in wait to do the fact, of the fact itself, of the means and instrument made use of to do it; of the manner of doing it, and of all the other circumstances and particulars relating to the fact: and on the whole, after they had withdrawn and considered amongst themselves for some time, they have found you guilty within the terms and circumstances of the statute; so that though all the cases put by you should be very good law, yet they do not any wise affect yours, because you are actually found guilty of the crime itself. Have you therefore anything to say against the indictment itself?

Coke.—No, my lord; I hope I have one glimpse more from the king's most gracious pardon, that was published in the *Gazette*.

Lord Chief Justice.—If you offer any pardon by act of Parliament, or under the great seal, I must take notice of it, and allow it to you; but if you mean only a promise of pardon in the *Gazette*, or other public advertisement, you must apply for that in another place; this doth not belong to me.

Coke.—I hope I shall have the benefit of the pardon promised; and that his majesty will be graciously pleased to grant it me.

Lord Chief Justice.—If you have a right to it, you need not doubt but you will have it: his majesty is so just, that he will make good whatever he hath promised; but for this, your application must be immediately to his majesty.

Coke.—I beg of your lordship that you will give me time, that I may not be hurried out of the world presently.



Lord Chief Justice.—I shall consider of it, and give you a convenient time.

Cl. of the Arr.—Crier, make an O Yes.

Crier.—Our sovereign lord the king doth straightly charge and command all manner of persons to keep silence, whilst judgment is giving upon the prisoners convicted, upon pain of imprisonment.

Lord Chief Justice.—You that are the prisoners at the bar, you have been indicted and convicted of very great and heinous offences; I am very sorry that you have been the occasion of bringing yourselves to unfortunate ends, and that there is this melancholy necessity on me to pronounce the sentence of death upon you: but on fair trials the jury have found you guilty, and by the law you have forfeited your lives.

Coke.—My lord, I am ashamed of myself; I did not expect to appear at this time in this place, where I have appeared in another manner.

Lord Chief Justice.—I am sure, Mr. Coke, you ought seriously to reflect on your past life: you cannot but own that you have been a great sinner; you have had malice in your heart against this gentlemen above three years.

Coke.—Indeed, my lord, I know nothing of it.

Lord Chief Justice.—Moon hath sworn, that three years, or three years and a half ago, you sent to him, and proposed to him the knocking Mr. Crispe on the head.

Coke.—I do declare it, my lord, as I shall answer it at the great day, I never spoke to Moon about any such thing.

Lord Chief Justice.—Supposing what Moon had said to be too much, yet the crimes you own and cannot deny, are exceeding heinous. You own that you invited your brother

to sup at your house, on purpose that you might have an opportunity of murdering him. This is such a crime as shocks human nature: the bare mentioning of it is frightful and terrible. The deeper, therefore, your crime is, the deeper your repentance ought to be. You have need to humble yourselves before Almighty God. Besides the judgment of the law, there is also His judgment seat, before which you must likewise appear: there all things are naked and bare, without color or disguise; every man must there appear, and receive according to the truth of his actions, as they were good or bad. How far it may please God to extend His mercy to you, I know not; He is infinite in mercy as well as in every other perfection: and this we are sure, that He never denies it to any who are prepared to receive it. Endeavor therefore to reconcile yourselves to Him; improve with diligence the little time that may be allotted you: send for proper persons who may advise and assist you.

The judge then sentenced them to be hanged.

The keeper carried away the prisoners to the gaol to be reserved till their doom. And on Saturday, the 31st of March, 1722, they were executed at Bury St. Edmund's.

## A COMICAL MISDEMEANOR.

THE following extraordinary subject of judicial investigation is so amusing in the quaint, old record of it extant, that any addition or alteration would only tend to mar it. The trial, as reported, is this :—

Hester Gregory, wife of John Gregory, of the parish of St. Mary, Woolnorth, and Hester Gregory, of the same place, spinster, were indicted for a misdemeanor, in that they (together with one John Smith) did conspire against, and by false insinuations, induce and persuade John Cockerell, a gentleman of £1,400 a year, to marry Abigail Cole; they pretending she was a lady of a great estate in Barbadoes, when they well knew that she was a person of evil character, and of no fortune; to the great disparagement of the said John Cockerell, to the great discomposure of his mind, and in order to lessen his estate and substance.

The trial on this indictment came on at the Old Bailey, in August, 1725.

The counsel for the plaintiff having opened the indictment, and the evidence against the defendants, the witnesses were called and sworn.

Mr. Cockerell.—About the middle of last April, I went to the house of Mrs. Eccleton, in Lombard Street, to speak with her mother, Mrs. Gregory (the elder of the defendants.) The business I had with her was, to demand a debt that was

due to me. "Sir," said she, "I am unprovided at present, to answer your demand; but, however, I have something to propose that may be much to your advantage. Are you disposed for matrimony? Do you want a good wife, with a great fortune? If ye do, I can introduce ye to an agreeable young lady, lately arrived from Barbadoes. She has got a vast plantation there, with upwards of one hundred negroes upon it. Her estate is worth above a thousand pounds a year, and she likes England so well, that she's resolved to marry and settle here, if she can meet with a suitable fortune."

"Why really, madam," said I, "provided all things are as you represent 'em, I can't say that I have any aversion to marriage. But—a—madam—are you sure that the lady is worth so much?" "Am I sure, sir?" said she again; "yes, I am sure. I had it from Mr. Smith himself, and he manages all her affairs. You know Mr. Smith, at my cousin Tryon's? He's worth three hundred a year, and lives in very good credit, and it is not to be thought that such a man as he would impose upon anybody." This discourse was only betwixt me and Mrs. Gregory. I went home, and this West Indian lady ran so much in my mind, that I slept but little that night. The next morning I went to Mrs. Eccleton's again, where I found not only Mrs. Gregory, but her daughter, Miss Gregory (the other defendant,) and John Smith. We fell into the same kind of discourse as before. Mr. Smith assured me that what Mrs. Gregory had told me of the lady's fortune, was all true, which made me very desirous of coming into the lady's company; and, therefore, I begged of 'em to let me know when and where I might be so happy as to meet her. They promised to make inquiry, and to send me word. We parted, and next day being Sunday, a letter was brought me

(as I suppose from Mrs. Gregory,) appointing me to come in the evening to Mrs. Eales's, in Ely Court, in Holborn, where I might expect to see this Barbadian. I went accordingly, and found her drinking tea with the two defendants. She was attired in a rich brocade, with a fine laced head dress, a gold watch and diamond pendants. We had a great deal of discourse about the lady and her plantation. Miss Gregory said (as her mother had said before,) that Madam Cole was worth at least a thousand a year, and had a hundred negroes. I mentioned the name of a solicitor of my acquaintance, who lived in Barbadoes, and asked the lady if she knew him. "No, sir," says she, "I can't say that I have any personal knowledge of the gentleman; but I have heard his name." "Pray, madam," say I, "How long have you had this plantation?" "About three years, sir," said she. "And, dear madam," say I again, "if I may be so bold, by what means might it come into your possession?" "Why, sir," answered she, "it was left me by my own brother at his death; and now, of all my relations, I have only one sister living: she's about nine years old, but such a poor, sickly thing! my uncle left her fifteen hundred pounds, which comes to me if I survive her." With such kind of conversation we past the time till the company broke up. Next day I went to Miss Gregory, to inquire how the lady liked me. "Lord, sir," says she, "I believe i' my conscience you have bewitched the lady. She's so charm'd, so captivated! she has seen something in you so engaging, that she has been in raptures ever since. Her heart, her soul, her fortune, all that she has is yours!" "Look ye, Miss Gregory," say I, "as to the lady's heart, I am under no apprehensions of being deceived; but methinks the account I have had of her fortune wants confirmation."



"Well, Mr. Cockerell," says she, "you are the strangest man; so full of your doubts. I thought Mr. Smith had satisfied ye; and if he, that has all her concerns under his care, cannot, I don't see how I should." I went to Mr. Smith again, to talk with him seriously about it. "Sir," say I, "this is an affair of consequence, and therefore, let me beg of you to be ingenuous. Has Miss Cole really got so good a fortune as is reported?" "Why, I'll tell ye, sir," says he, "since you press me so closely, it is not quite so much; people are apt to talk a little extravagantly in such cases; eighty negroes is the outside, and her income is not above seven, or at most eight hundred a year." Upon this fall of at least two hundred pounds a year, and twenty negroes, I return to Miss Gregory, and tell her of it. "Lord, sir," says she, "don't you perceive the truth? It's all an artifice of Mr. Smith; he designs to try for the lady himself. She told me but this very day, that he had really made some offers; and therefore, 'tis no wonder if he does all he can to lessen your good opinion of her. I know, at present, she prefers you, not only to him, but to all men that ever she saw, though you are now in the sixty-sixth year of your age. But yet, if she should find you neglect her, Mr. Smith may happen to supplant you; for nothing provokes a woman so much as her being slighted. It puts her upon doing what otherwise she would never have thought of, and, therefore, if you have any intent of securing her to yourself, be quick! despatch! the sooner the better." I began to think there might be some danger of losing my West Indian bargain, if I did not pursue her closely, and, therefore, I desired Miss Gregory to ask her, if she was willing to be married next morning. Miss Gregory went, and brought me back word, that the lady consented. I made the

best preparation I could, in so short a time, and then waited upon madam. As we were going to church, in a coach, I said to my lady, "Madam, don't deceive me; have you really such a plantation?" She replied, "Yes." In short we were married. After dinner, I went as far as Smithfield, and at my return found my new wife in company with an elderly woman. "Now, sir," says my counterfeit lady, "'tis time to undeceive you; for it would be to no purpose to keep you longer in the dark. You think you have married a fortune, but you are quite mistaken." "Mistaken?" say I, in a great surprise; "why pray, madam, who are you? What are you?" "Sir," says she, "I am now your wife; but, before you made me so, I was Mrs. Eccleton's servant maid. You have often seen me at her house, though you did not know me again in another dress; and this is my mother, a good, honest woman, though she keeps a chandler's shop." "Mercy on me!" say I, "what have I done?" "Done," says she, again, "you have done nothing that you need be ashamed of. You have married Abigail Cole." Away I ran to Mrs. Gregory. "I wonder madam," say I, "how you could be guilty of so vile an action, as thus to impose upon a man who has always been your friend. What could induce you to such wickedness?" "Lord! Mr. Cockerell," says she, "what do you mean? I think you have got a suitable wife; she has no great fortune indeed, but she may save you one by her good management. You had money enough before, and you only wanted an heir to enjoy it."

Defendants' Council.—Did you ever ask Mrs. Gregory or Mrs. Eccleton, to help you to a wife?

Cockerell.—No; but they have proposed several to me.

Counsel.—Did you never say that you liked the Barbadoes

lady so well, that you would marry her if she had not a groat ? and that you preferred her to all the women in England ?

Cockerell.—No.

Abigail Holms.—Mrs. Cockerell had been Mr. Eccleton's cook-maid, and her father was a soldier, and a pensioner of Chelsea College.

Connsel.—And is she therefore a person of ill character ? By no means, and we shall prove the reverse. We shall prove by the plaintiff's own confession that she was a virtuous young woman.

Thomas Fogg.—I live with Mr. Eccleton, the saddler. As for the management in bringing the wedding about, I have heard Mrs. Gregory, and the rest of our people, say, that at first they only talked of it as a banter, and little thought of bringing it to anything ; but when they saw that Mr. Cockerell was so quickly in love, they carried on the jest till he was married in earnest.

Mrs. Eccleton.—Mr. Cockerell has sworn that he came to my mother on account of a debt ; I don't know that she owes him a shilling ; but I am sure that he came very often on another account. I believe I may safely swear that he has teased my mother five hundred times to help him to a wife. I myself have recommended him to at least twenty women, of all whom he left as soon as he found their fortunes fall short of his expectations. He was so continually importuning us to introduce him to ladies, that at last we contrived to get rid of him by dressing up my maid in a young lady's apparel, and recommended her to him for a Barbadoes fortune ; and the plot succeeded even beyond expectation. The first visit he made her was on Sunday evening, and they were married on the Thursday following. I believe she is as modest a

woman as lives ; nor is she anything below him on account of her father's being a soldier, for his father served in the same character under Oliver Cromwell. The Monday after the wedding, Mr. Cockerell came to me, and said he was bit. "Bit !" say I. "What ? a man of your years, and so well acquainted with the town too ? 'tis very stange indeed." "Well," says he, "it was my own fault ; I was a rash old fool, I can blame no body but myself : but I should have bit her if she had been so rich as I expected ; for I have made over all my estate to my brother's son, except one hundred and thirty pounds a year, a third of which is all that she can come in for." I can't tell whether he did this before marriage, or since ; but he desired both me and my sister (the defendant) to persuade his wife to consent to a divorce, upon condition of his allowing her a handsome reward. I told him I thought no woman would be such a fool as to lose her husband, and hurt her character for a little money. "Pooh !" says he ; "there is no occasion for scruple ; I can manage it in a way creditable to her reputation, if you can but get her to comply ; for I'll provide a pre-contract betwixt me and another lady, and get witnesses to swear it."

Ann Tea.—Mr. Cockerell, after the wedding came to my mistress Eccleton's, appeared very well pleased, and asked for Mrs. Gregory, but as soon as she came to him, he charged a constable with her. She desired a little time to finish dressing herself ; but he took her by the shoulders, and would have thrown her down stairs, if he had not been prevented. I heard him say, the reason why he was in such a hurry to be married, without making any further inquiry about the woman's estate was, for fear she should inquire after his estate and his character.

Mr. Singleton.—On Thursday morning, which was the wedding-day, Mr. Cockerell telling me what a great fortune he was going to marry, I bid him take care he was not bit “Bit!” says he; “no, no, I am too old for that; they must have good luck that can bite me.” “But are you really certain,” say I, “as to the plantation?” “Ay, ay,” says he, “I am very well satisfied.”

Mr. Hammond.—After the wedding, Mr. Cockerell told me that he was very well satisfied with his bride.

Court.—The marriage vow of the plaintiff overturns the whole indictment; for his making that vow is an acknowledgment that he did not depend upon the report of her fortune; since, in the most solemn manner, he declared that he took her for richer or poorer, not for the sake of a Barbadoes plantation, but to live with her after God’s holy ordinance; that is, for the mutual society and help of each other.

The jury acquitted the defendants.

Five years after this singular trial, the affair again came before the public, as appears by the following extract from “Applebee’s Journal,” of June 20, 1730 :—

On Tuesday, at the sitting of the Court of King’s Bench, at Guildhall, were tried two actions, brought by the Widow Cole against John Cockerell, of Gloucester, Esq., for providing necessaries for his wife Abigail, (daughter of the said Cole,) whom the defendant married, May 6, 1725, as a great West India fortune, whereas she was at that time a servant. After living with her a day or so, he left her. The first action was brought by the widow, as executrix to her husband, for upwards of two years’ maintenance; wherein she



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obtained a verdict for sixty pounds. The second was in Mrs. Cole's own right, for providing necessaries for her daughter for a year and a half ; but being, by an error laid in the declaration, but for twenty-three pounds, she obtained a verdict only for that sum

## THE ADVENTURES OF PETER DE LA FONTAINE.

PETER DE LA FONTAINE was born of noble parents in France ; he received a military education, and served at the siege of Philipsburgh, under the famous Marshal of France, James Fitzjames, Duke of Berwick, son of James II.

The campaign being ended, he went to Paris, where a gentleman invited him to spend some time at his country-seat, when he fell in love with his daughter, who wished to marry him ; but her father interposing, she eloped with her lover, and they lived a considerable time as married, at Rouen. On their return to Paris, the young lady retired, as a lodger, into a convent ; but De la Fontaine appearing in public, some officers of justice, seeing him in a coffee-house, told him they had the king's warrant for apprehending him : on which he wounded two of them with his sword ; notwithstanding which, he was seized and lodged in prison. On this he wrote to the young lady, informing her that he was obliged to go into the country on urgent business, but would soon return ; and having made interest with the daughter of the keeper of the prison, she let him out occasionally to visit his mistress. Being brought to trial for running away with an heiress, he would have been capitally convicted, agreeably to the then law of France, but that the young lady voluntarily swore that

she went off with him by her own consent. She thus obtained his acquittal: but she soon after died, the victim of her unfortunate attachment. De la Fontaine went again into the army, and behaved so bravely at the battle near Kehl, that the Duke of Berwick rewarded his courage with the commission of Lieutenant of Grenadiers. An event happened to him at this time, which showed that France was not entirely emancipated from its age of romance. A young lady of Strasburg, who had fallen in love with De la Fontaine at Paris, before his affair at Rouen, got a pass from the Marshal de Bellisle, and being introduced to the Duke of Berwick, obtained leave to see De la Fontaine. On the following day, she again went to the duke, dressed in man's clothes, and begged to enter as a volunteer in the same regiment with De la Fontaine; strange to say, she was indulged in the novelty of the humor. She went through the regular duties of a soldier, to be near her lover, but she did not long survive. The winter following the campaign, she died of the small pox, leaving part of her fortune to the object of her affections. The Duke of Berwick being killed at Philipsburgh, De la Fontaine made the tour of Europe; returning to Paris, he fought a duel with an officer, who being dangerously wounded, his antagonist repaired to Brest, and embarked as lieutenant of marines on board a vessel bound for Martinico. The ship being taken by a Turkish corsair, was brought into Constantinople, where De la Fontaine was confined in a dungeon, and had only bread and water for sustenance. While in this situation, he was visited by another prisoner, who had more liberty than himself, and who advised him, as the French consul then was absent, to apply to a Scotch nobleman in the city, distinguished for his humane and generous feeling. De

la Fontaine sent a letter to the nobleman, who had no sooner read it, than he hurried to the cells. Having promised his interest to procure his enlargement, he went to the Grand Vizier, and pleaded so effectually, that De la Fontaine was released, and went immediately to thank the Vizier, who, in Turkish fashion, wished him lengthened happiness, and presented him with a sum of money. Hence the adventurer sailed to Amsterdam, where he embarked for the Dutch settlement of Curaçoa; but finding the place unhealthy, he obtained the governor's permission to go to Surinam, where he continued above five years. While in this place, the governor invited him to a ball, where one of the company was a widow lady of rank, of whom he determined, if possible, to make a conquest. Other officers having addressed the same lady, De la Fontaine was occasionally involved in difficulties on her account. One of these officers having traduced him in his absence, he, on meeting him, bid him draw his sword, but the other refused, on which De la Fontaine struck him with a cane, and cut off one of his ears. On this he was seized, and tried by a court martial, but acquitted; the officer was degraded, on account of the provocation he had given. De la Fontaine was treated with unusual marks of civility, and the governor bestowed on him a considerable tract of land, which he cultivated to great advantage; but the malice of his enemies was so restless, that they prevailed on one of his negro servants to mix a dose of poison in his food. Unsuspecting of any villany, he swallowed the poison, the consequence of which was, that he languished several months; the lady whom he courted, affected by his situation, gave way to melancholy, which brought on consumption, that deprived her of life. After her death, De la Fontaine obtained the

governor's permission to return to Europe; and lived for some time in a splendid mansion at Amsterdam; but at length he determined to embark for England.

Having arrived in London, he took elegant lodgings, lived in the style of a gentleman, and made several showy connections. Among his acquaintances was Zannier, a Venetian, who had been obliged to quit his own country, on account of his irregularities. This man possessed such an artful address, that De la Fontaine welcomed him at all times to his table, and admitted him to a considerable share of confidence. Zannier improved this advantage; for, contriving a scheme with an attorney and bailiff, he pretended to have been arrested for three hundred pounds, and prevailed on his new friend to bail him, on the assurance that he had a good estate in Ireland, and would pay the money before the return of the writ; but when the term arrived, De la Fontaine was compelled to discharge the debt, as Zannier was not forthcoming.

De la Fontaine's appearance as the fashionable stranger in London, was, at the time, one of the wonders of the season. He took all manner of means to increase the impression he made; on one occasion, there being a procession of free-masons, he dressed himself in the most superb manner, and joined them, his chariot being the most elegant of any in the train. He had shouts of applause from the spectators. Among them, the daughter of an alderman had her curiosity so much excited, that she caused inquiry to be made who he was; and on the following day sent him a letter, intimating that she should be at a ball at Richmond, where he might have an opportunity of dancing with her. He did not hesitate to go; and when the ball was ended, he received an invitation to dine with the young lady on the following day, at her father's



house. He attended accordingly; but the father having learnt his character, insisted that he should decline his visits. He soon, however, got over this disappointment, by wedding a widow of considerable wealth; but his taste for extravagance rendered these riches unequal to his support. Unfortunately, at the juncture, he again fell in with Zannier, who came to him, begging his forgiveness for obliging him to pay the debt. De la Fontaine too easily complied, and once more considered him as a friend: this led to his ruin, for the Venetian sought him to victimise him again. The scheme he put in force was this :—

Zannier induced De la Fontaine to go to a tavern, where they met with a woman whom the latter had formerly known, and a man who was dressed in black. While De la Fontaine was conversing with the woman, the stranger (who afterwards appeared to be a Fleet parson) read the marriage ceremony from a book which he held in his hand; and the next week De la Fontaine was apprehended on a charge of bigamy, and committed for trial at the Old Bailey. Zannier visited him in Newgate, and proposed for a sum of money to procure his acquittal. De la Fontaine was so enraged at this perfidy, that he on the instant beat Zannier with such severity, that the turnkey was obliged to interpose to prevent murder. In revenge of this, Zannier laid an information on oath against De la Fontaine for forgery, in imitating the handwriting of a gentleman named Parry: in consequence of which De la Fontaine was brought to trial, and capitally convicted, though a gentleman swore that the writing resembled that of Zannier, and there was too much reason to believe the latter committed the forgery.

On the evidence adduced, the jury found De la Fontaine

guilty; the court sentenced him to death, and the day was appointed for his execution. His innocence was, however, so loudly urged by himself and his friends, that he was respited; this was from time to time continued, during five years, when he was pardoned on condition of transportation. His not being able to clearly show his total absence from guilt, prevented government from doing more for him. In September, 1752, with many other convicts, he was shipped to the English colony of Virginia, in America.

## CRIMINALS WHO HAVE RETURNED TO LIFE AFTER EXECUTION.

THE following singular circumstance is recorded by Dr. Plot, in his Natural History of Oxfordshire :—

In the year 1650, Anne Green, a servant of Sir Thomas Read, was tried for the murder of her new-born child, and found guilty. She was executed in the castle-yard at Oxford, where she hung about half-an-hour. Being cut down, she was put into a coffin, and brought away to a house to be dissected; where, when they opened the coffin, notwithstanding the rope still remained unloosed, and straight about her neck, they perceived her breast to rise; whereupon one Mason, a tailor, intending only an act of charity, set his foot upon her; and, as some say, one Orum, a soldier, struck her again with the butt-end of his musket. Notwithstanding all which, when the learned and eminent Sir William Petty, ancestor of the present Marquis of Lansdowne, then anatomy professor of the University, Dr. Wallis, and Dr. Clarke, then president of Magdalen College, and vice-chancellor of the University, came to prepare the body for dissection, they perceived some small rattling in her throat; hereupon desisting from their former purpose, they presently used means for her recovery by opening a vein, laying her in a warm bed, and also using divers remedies respecting her senselessness, insomuch, that within fourteen hours she began to speak, and the next day talked and prayed very heartily. During the time of this her reco-

véring, the officers concerned in her execution would needs have had her away again to have completed it on her ; but by the mediation of the worthy doctors, and some other friends with the then governor of the city, Colonel Kelsy, there was a guard put upon her to hinder all further disturbance until they had sued out her pardon from the government. Much doubt indeed arose as to her actual guilt. Crowds of people in the meantime came to see her, and many asserted that it must be the providence of God, who would thus assert her innocence.

After some time, Dr. Petty hearing she had discoursed with those about her, and suspecting that the women might suggest unto her to relate something of strange visions and apparitions she had seen during the time she seemed to be dead, (which they already had begun to do, telling that she said she had been in a fine green meadow, having a river running round it, and all things there glittered like silver and gold,) he caused all to depart the room but the gentlemen of the faculty who were to have been at the dissection, and asked her concerning her sense and apprehensions during the time she was hanged. To which she answered, that she neither remembered how the fetters were knocked off ; how she went out of the prison ; when she was turned off the ladder ; whether any psalm was sung or not ; nor was she sensible of any pains that she could remember. She came to herself as if she had awakened out of sleep, not recovering the use of her speech by slow degrees, but in a manner altogether, beginning to speak just where she left off on the gallows.

Being thus at length perfectly recovered, after thanks given to God, and the persons instrumental in bringing her to life, and procuring her an immunity from further punishment, she

retired into the country to her friends at Steeple Barton, where she was afterwards married, and lived in good repute amongst her neighbors, having three children, and not dying till 1659.

The following account of the case of a girl who was wrongly executed in 1766, is given by a celebrated French author, as an instance of the injustice which was often committed by the equivocal mode of trial then used in France.

About seventeen years since, a young peasant girl was placed at Paris, in the service of a man, who, smitten with her beauty, tried to enveigle her; but she was virtuous, and resisted. The prudence of this girl irritated the master, and he determined on revenge. He secretly conveyed into her box many things belonging to him, marked with his name. He then exclaimed that he was robbed, called in a commissaire, (a ministerial officer of justice,) and made his deposition. The girl's box was searched, and the things were discovered. The unhappy servant was imprisoned. She defended herself only by her tears; she had no evidence to prove that she did not put the property in her box; and her only answer to the interrogatories was, that she was innocent. The judges had no suspicion of the depravity of the accuser, whose station was respectable, and they administered the law in all its rigor. The innocent girl was condemned to be hanged. The dreadful office was ineffectually performed, as it was the first attempt of the son of the chief executioner. A surgeon had purchased the body for dissection, and it was conveyed to his house. On that evening, being about to open the head, he perceived a gentle warmth about the body. The dissecting knife fell from his hand, and he placed in a bed her whom he was about to dissect. His efforts to restore her to life



were effectual ; and at the same time he sent for a clergyman on whose discretion and experience he could depend, in order to consult with him on this strange event as well as to have him for a witness to his conduct. The moment the unfortunate girl opened her eyes, she believed herself in the other world, and perceiving the figure of the priest, who had a marked and majestic countenance, she joined her hands tremblingly, and exclaimed, "Eternal Father, you know my innocence, have pity on me!" In this manner she continued to invoke the ecclesiastic, believing, in her simplicity, that she beheld her God. They were long in persuading her that she was not dead—so much had the idea of the punishment and of death possessed her imagination.

The girl having returned to life and health, she retired to hide herself in a distant village, fearing to meet the judges or the officers, who, with the dreadful tree, incessantly haunted her imagination. The accuser remained unpunished, because his crime, though manifested to two individual witnesses was not clear to the eye of the law. The people subsequently became acquainted with the resurrection of this girl, and loaded with reproaches the author of her misery.

## ONE OF THE LAST TRAGEDIES OF THE REIGN OF TERROR.

THE Reign of Terror, had it happened in the remoteness of ages past, would have found the historian doubting and hesitating to enter it on record, as some monstrous fable of overwrought and disordered tradition ; even now, in its proximity of time and scene, it becomes hardly possible to bring to one's understanding the reality of this frightful era. The whole enormity taken in a mass appears incredible : it is only in the individual cases which occurred that the truth stands vividly out, undeniable and appalling.

The following affair, one of the last under the Reign of Terror, is among the most melancholy and impressive examples of what then was done. It relates principally to a man who spent his whole life in one almost unvarying course of misfortune, the victim alike of regal and republican injustice. This was Baron Frederick Trenck, the scion of a noble Prussian family, and, unhappily for himself, the subject of Frederick the Great. When but nineteen years of age, Trenck was unjustly imprisoned by that monarch in the fortress of Glatz. From this he contrived to escape, but was retaken a few years afterwards : he then suffered for nine years, in the fortress of Magdeburg, one of the most horrible incarcerations on record. His own narrative of what he endured is

everywhere famous. After his release he had some glimpses of better days, and might have prospered, but that he chose to mingle with his literary and intellectual occupations a devotion to the growing revolutionary doctrines of the age. This led him again into prison in Austria, and hence into France in 1791, into the very midst of the murderous anarchy there : but not even the man who had been entombed alive by a king could find welcome from the sans-culottes. He was denounced, and cast into the gaol of St. Lazarus. There he lay until the very last day but one before the end of the Reign of Terror, when, in company with a number of others,—men of rank and talent, and fame, women of beauty and virtue, and children even—the supremely unlucky Baron Trenck had to appear before the Revolutionary Tribunal. In two of the victims who stood by his side, France was about to experience a great loss. They were poets of genius and worth. One was Roucher, the author of “*Les Mois*,” and other poems, and also the translator of Adam’s “*Wealth of Nations*” into French. Poor Roucher ! he was gentleness and kindness personified ; he preferred the cause of royalty for its refinement, and he delighted in every social pleasure and affection ; he doted to distraction on his wife and children. There was a mournful fancy about one of the last acts of his life. He got his picture drawn by an artistic fellow-prisoner, and just as he left his gaol to go to his fatal, mock trial, he sent it to his wife and children, with these lines beneath it :—

“ Ne vous étonnez par objets sacrés et doux,  
Si quelque air de tristesse obscurcit mon visage :  
Quand un savant crayon dessinait cette image,  
J’ attendais l’ échafaud, et je pensais à vous.

The other poet who accompanied Trenck was a man younger than Roucher, but of worth since more generally known and appreciated; this was Andrew Chénier, who had written many verses of exquisite taste and feeling, though most of them were not brought out till 1819, and who was about to perish in his thirty-second year, having not yet attained the publicity of his merit, but having already earned a name which France was afterwards to lastingly honor and cherish. He was the third son of Louis de Chénier, Consul-General of France at Constantinople, an author of distinction, who married a Greek lady of famed wit and beauty. The present M. Thiers was her grand-nephew. The father had an involuntary and most unhappy share in his son's death. Andrew lay in St. Lazarus overlooked by Robespierre, owing to his name being kept out of the fatal lists through the secret contrivance of his brother, Marie Joseph. The father, not aware of this, and being in an agony of anxiety about his son, went to beg his life of Robespierre: the tyrant instantly sent the discovered object of his hate before the Revolutionary Tribunal. Robespierre's sacrifice of Andrew Chénier is believed to have hastened his own destruction, by making Marie Joseph furious against him, and reckless in endeavoring to bring upon him the vengeance of the public. Besides Roucher and Andrew Chénier, there were in the doomed bevy surrounding Trenck, a Montalambert, a Créqui, and a Montmorency—historic names connected for ever with the greatness and the glory of France—names that recalled successive generations of chivalry, nobility and virtue. Such were the men that were made to share with Trenck the horrors of this murderous trial. The day it took place was on the 7th Thermidor, year II., *i. e.* the 25th July, 1794. Trenck was accused of being the secret agent of the King of Prussia;

ne was charged moreover, as were also Andrew Chénier and Roucher, with having taken part in the conspiracy of the prisoners in the detention-house of Lazarus.

"Your name? your age? your profession?" demanded the president, Herman, of Baron Trenck, whose tall figure towered above the bayonets of the police, and the platform of the judges.

"Frederick, Baron Trenck, born at Königsberg, in 1726, formerly an officer of rank in the service of Russia and Austria, now a literary man."

"You are accused of maintaining a criminal correspondence with the Kings of Europe. A letter of yours has been intercepted, and the public prosecutor will produce it, wherein you express yourself in very ambiguous terms upon the events of which Paris has lately been the stage."

"The equity of the public prosecutor has been imposed upon. I have written no letters to Germany. For a long time, I have ceased to frequent palaces; and if the kings of Europe wished to learn what was passing in France, they would not have recourse to the pen of one who has ever shown himself the champion of the people and of liberty. Citizens," he continued, baring his arms, that still wore the impression of his fetters, "you here see the marks which despotism has stamped upon my limbs, and can you imagine I would devote this hand to the defence of tyranny? No; you do not believe it, you ought not, you cannot."

These words, delivered with great energy, shook the judges for a moment, and excited a murmur of interest among the auditory. The old man—Trenck was about sixty-eight years of age—had risen, his noble physiognomy, about which floated the white locks, was lighted up with a supernatural fire, while



in his gestures and attitude might be recognised the manly and cool confidence of Frederick the Second's captive.

"You cannot deny your being in correspondence with the tyrant, Joseph II., Emperor of Germany?"

"I was, but I am so no longer," replied Trenck, quickly. "For the rest, citizen president, if you will allow me, an opportunity of defence, I will, in a few words, reduce to nothing all the accusations brought against me."

"Speak," said Herman.

"I object," cried the prosecutor-general, Fouquier Tinville, rising, "I object to the accused being allowed any longer time for entering into useless digressions. The moments of the tribunal are precious; fourteen prisoners have to be tried at four o'clock, and it is now close upon noon. We have no time to lose."

"You have no time to lose!" retorted Trenck, indignantly, fixing his large eyes upon the insignificant face of Fouquier. "Do you then call the moments lost which are granted to the accused to defend themselves?"

"Speak, prisoner," said the president.

"Then, citizen president," exclaimed Fouquier Tinville, "I am no longer of authority here."

"Citizen prosecutor-general," interrupted the president, "to me alone belong the regulating of the court, and the direction of the trial. I must therefore request that you will leave it to me to reconcile the interests of the defence with those of the accusation. Prisoner, I repeat it; you may speak."

Trenck then got up, and expressed himself in these words.

"Citizens, I have passed more than ten years of my life in fetters. A fortunate event at last gave me liberty, and I believe that I have used it as a man who knew its worth, and

as a philosopher who has weighed its sacred necessity. No sooner had I escaped from my prison than I thought to become a useful citizen. At Aix-la-Chapelle, I married the daughter of the burgomaster there, and thenceforward applied myself to commerce, to literature, and to the military art. I established a newspaper, in which I advocated the purest doctrines of democracy and Christianity. From respect for a sovereign to whom I owed my liberty, I discontinued the publishing of my journal, but I did not abandon my principles. This happened in 1772. From 1774 to 1777, I traveled in France and England, in the first of which countries I became intimate with Franklin, that sage, worthy of Sparta.

"On my return to Germany, my fellow-citizens and the governments wished to trust me with official situations, but the death of my benefactress, the great Maria Theresa——"

"You must not avail yourself of the liberty of speech allowed you to make in this place an apology for tyrants, and the wives of tyrants," exclaimed Fouquier Tinville.

"You shall not," retorted Trenck, "prevent me from expressing myself as I ought, in so monstrous a process: it is singular enough to see a republican magistrate endeavoring to limit the freedom of defence within the circle of Popilins."

"We are here," replied Herman, "to judge, and not to listen to formal eulogiums on the enemies of the republic."

"Rather say to condemn; but you have granted me liberty of speech, citizen president, and I shall know how to maintain it," replied Trenck, with dignity. He then continued thus:

"Upon the death of my benefactress, the great Maria Theresa, I retired into Hungary, and became a laborer—yes, citizens, he whom you accuse, the man whom you have brought before your tribunal under the grave charge of aristocracy, has

been the fellow-laborer and friend of Franklin, and has guided a plough in the field of Zwabach. At length, in 1787, it was permitted me to revisit my dear native land. I hastened to quit Hungary, and return to Prussia, staying there, however, no longer than was necessary to pay a debt of the deepest gratitude and friendship. The object of that gratitude, of that holy attachment, sank into the grave, and I became again an exile—but this time a voluntary one—from those countries where I found all that exalts man, and all that crushes him. It was about this period, citizens, that my memoirs appeared, when their publication drew upon me and my misfortunes the attention of all Europe.\* Had I been less devoted to the principles of liberty and equality, I could, beyond doubt, have built my prosperity by sacrificing my opinions to the princes who courted me, and, I may avow it here—loved me. I would not, however, give up my convictions, and even braved new persecutions in order to preserve them inviolate.

“Citizens, I was the first to write at Vienna in favor of the French revolution, and this loyal, frank demonstration was punished with a seventeen days’ arrest, and an injunction to cease writing under pain of being once more shut up in a state-prison. Strange conduct this, citizens, for a conspirator, for a slave of despotism, was it not?

“Since 1791 I have lived in Paris, and those four years have been devoted to study and to the publication of certain pamphlets, which, as I think, have not been useless in the political education of the French people. If I have not frequented, as perhaps I should have done, the popular assemblies, it was because my situation as a stranger seemed to me an obstacle to my being heard. For the rest, citizens, consult the magistrates of the section of the Lombards, where I have

a long time resided, and they will tell you if my conduct, if my actions, have not always been those of a good citizen and an honest man.

"I have nothing more to add in my defence, citizens. I think I have sufficiently convinced your consciences that I am innocent of the crime imputed to me, and that at no time, under no circumstances, have I betrayed the cause of liberty, or of the French people."

The old man sat down again upon the bench, after having bowed respectfully to the tribunal, and a lengthened murmur of admiration ran through all parts of the assembly.

The prosecutor-general now got up."

"I will not follow the accused," began Fouquier Tinville, "in his interminable digressions; for, justice—more particularly all revolutionary justice—should move as fast as liberty, which has wings. I will even, if he desires it, give up that branch of the charge which relates to his secret dealings with the enemies of France, the tyrants of the North; but what can the accused reply to the overwhelming accusation which I shall now bring forward?

"Citizen jurors, a conspiracy that had for its object to destroy the republic and re-establish royalty, has been plotted in the prison of St. Lazarus. Trenck, Andrew Chénier, Roucher, the ex-captain of the Royal Marine, De Bart, and others, were its leaders and contrivers; in all there are sixty conspirators, half of whom, citizen jurors, you are called upon to try to-day; the other half will pass to-morrow under the balance of your justice. The evening of the 6th Thermidor was fixed upon for the execution of this sanguinary project; but the genius of liberty, which watches over the destinies of the republic, would not permit the scheme to be accomplished,

however well contrived. The men, who were the soul of it have been brought up before your tribunal, and you will exact justice; for the safety of the nation is at stake."

"A slave is right in breaking his chains," cried Andrew Chénier.

"We wished to escape from punishment, but had no idea of destroying the republic," exclaimed Roucher, in his turn. "The office of an assassin does not suit every one, nor is a poignard fitted to the hand that has nobly wielded the sword and pen."

"When I escaped from the fortress of Glatz," added Trenck, "they increased the weight of my chains, they double-bolted my dungeon, but they did not take my life. It was reserved for a revolutionary tribunal to go beyond kings in tyranny and in persecution."

"Why do you anticipate the judgment which the court will pronounce upon the verdict of the jury?" said the president Herman.

"We know our fate beforehand," impetuously cried the poet Roucher. "It is in vain that you would gather around you a show of justice; the fox's skin, in which you would wrap yourselves, hides not the tiger's fur, your natural hide. Our destruction has been sworn beforehand, and none of us will leave this place but to ascend the scaffold. Monsters of judges, there is One above us who in turn will judge yourselves; and woe be unto you! woe be unto you! for your blood-stained decrees will live after you, and to the latest posterity your names will be attached to the scroll of infamy."

"Were it only for the sake of the accused," said Herman, "I hold it to be my duty to recall from them their liberty of speech."



"Recall it, or leave it to us," replied Chénier, "it would be weakness and pusillanimity to struggle any longer against the revolting prejudices of a tribunal such as yours. Judges and jurors of a revolutionary court, you dishonor liberty—but no; liberty cannot be sullied by you; she will remain pure in spite of your double-dealing, your cruelty, your malignant passions, and your barbarity."

"Citizen president," interrupted Fouquier Tinville, "put a stop, I pray you, to these clamors; and desire the jury to retire into the deliberative chamber."

"Trenck," said Herman, "your defence has been marked with the stamp of moderation. Do you still persist in saying you were a stranger to the conspiracy in the detention-house called Lazarus?"

By a single word Trenck could have saved himself; he would not. No doubt he, of all men, was party to a plan of escape, and he scorned a denial. The old Tutoic blood flowed in his veins, and he would have been ashamed to have purchased life by falsehood or cowardice before this new Vehmique tribunal; besides, did he not see close by him two poets—one of them still in a boyhood full of promise—both devoting themselves as Romans of old, without hesitation or fear?

"Citizens," exclaimed Trenck," thus admitting his share in the proposed escape, "I take my part and responsibility in the words just now uttered by my companions in misfortune. Their fate shall be mine; I will live or die with them."

He then seated himself in silence, and affectionately pressed the hands of the two poets.

The jury immediately retired, and in a quarter of an hour returned with a verdict of guilty against all the accused, to the number of thirty, the amount of this first batch.

They were all condemned to the penalty of death, said the sentence, for having conspired in the detention-house, called Lazarus, to effect an escape, and afterwards by the murder of the representatives of the people—particularly of the members of the committee of public safety and general security—to overthrow the republican government, and re-establish monarchy.

The accused heard their doom pronounced with imperturbability. They all arose in silence, and retired under the escort of the gendarmes.

At half-past two they had been condemned; at four the fatal tumbril conveyed them to the Place de la Revolution.

Most of the condemned had struck up the celebrated "Chant du Depart." Roucher and Andrew Chénier, sitting side by side, talked with each other in low tones, of their attachments, of the beloved objects whom they would leave behind them, of the poetic dreams that had so sadly vanished for ever.

"They make me die very young," said Andrew Chénier; "and, nevertheless," continued he, striking his forehead, "I feel that there was something of value in this brain."

"My dear friend," replied Roucher, "you are going to lose nothing but imagination. As for me, I am about to leave my children and a wife, whom I adore. But there is another life, my dear Andrew, and we shall one day all meet together again to part no more. Let us nobly complete the sacrifice; let us not give our executioners the pleasure of seeing us weak and trembling."

"I do not tremble," replied Andrew, "but I deplore the loss of an existence, which is cut off without any benefit to the republic."

In the meanwhile the people beheld the passing of the tumbrils, more with pity than with curiosity. The terrible people were nearly satiated ; they were on the eve of rising from their sanguinary feast. Trenck spoke out to the crowd, in his sonorous and powerful voice, and the crowd did not shout as it was wont to do, but it listened. Trenck concluded in these words :—"What are you surprised at ? This is nothing but a comedy of Robespierre's."

On approaching the scaffold, all the condemned got down. The execution of the thirty lasted five and forty minutes. Roucher was guillotined the last ; Trenck the last but one. He mounted the scaffold as he would have mounted a bench, and exclaimed, before yielding his head to the fatal knife, "Frenchmen, we die innocent ; avenge our deaths, and re-establish liberty by immolating the assassins who tarnish and disgrace her."

A few seconds afterwards he had ceased to live : another instant, and the head of the author of the poem of "the Months," rolled upon his : but he was avenged, for in two days after, the people obeyed his directions ; they immolated the Jacobins.

In Trenck ended a man, who, during two-thirds of a long life, underwent the persecutions of kings. He had served despotism with a brave sword, and despotism, for ten years, had buried him alive in its fortresses. He served liberty with his pen, and a republic flung him to the shambles, as a traitor and a man forsworn. Trenck might be put forth as a personification of the false doctrine of Oriental fatalism. The malignity of his evil star did not abandon him for a single moment. Had the iniquitous proceeding which dragged him before the revolutionary tribunal been delayed twenty-four hours, he would have been saved.

The unhappy Trenck, by one of those presentiments which often affect the least superstitious, believed his death was at hand. On the 6th Thermidor, the eve of the day upon which he was condemned and guillotined, he said to Count B——, his companion in captivity, while presenting him with a handsome tortoise-shell snuff-box, that was ornamented with an allegorical painting, and with gold points, "My dear Count, accept this pledge of my friendship; it is the last gift I received from the Princess Amelia of Prussia, my benefactress and my friend. I have kept it for a long time; do you preserve it as long as I have, in honor of my memory and hers. None but a friend should be the depository and guardian of such an object.

When the Count made some difficulties in accepting this trinket, he added, "Take it, my dear friend, and look upon it as the legacy of one dying; for they are bent on my destruction, and my head will fall three days hence."

"But, my dear Baron," replied the Count, "we are both under the same accusation; and, if your head falls, mine will fall too."

"My friend, I predict some lucky chance will save you. Your sword is necessary to your country, and you may yet devote many years to it. As for me, my destiny is fixed—I shall die."

Twenty-four hours afterwards, the prediction was accomplished—the head of Baron Trenck fell.

Count B——, who should have been tried upon the 9th Thermidor, recovered his liberty at the end of three months. He devoutly preserved the legacy of the unhappy Trenck, but to take from the greedy keepers, by whom he was surrounded, the least pretext for depriving him of it, he gave them the

gold chasing of the mysterious box, retaining only the tortoise-shell, ornamented, as we have already said, in a wonderful fashion, and with golden points.

Of course it is scarcely necessary to observe that, with the 9th Thermidor, year II., as, in the ridiculous phraseology of the first French republic, the 27th July, 1794, was termed, these kind of murderous trials ended. On that day fell Robespierre; and on the next, his head with the jaw previously fractured from a pistol shot fired by his own hand, lay severed and bleeding on the revolutionary scaffold.



## THE WOMAN-HUSBAND.

- Rosalind.* Alas, what danger will it be for us,  
Maids as we are, to travel forth so far ?  
Beauty provoketh thieves sooner than gold.
- Celia.* I'll put myself in poor and mean attire,  
And, with a kind of umber, smirch my face ;  
The like do you ; so shall we pass along  
And never stir assailants.
- Rosalind.* Were it not better,  
Because that I am more than common tall,  
That I do suit me all points like a man ?

SHAKESPEARE.

ABOUT the year 1734, a young fellow courted one Mary East, and for him she conceived the greatest affection; but he, going upon the highway, was tried for a robbery and transported: this so affected Mary that she resolved ever to remain single. In the same neighborhood was another young woman, who had likewise met with crosses in love, and had determined on the like resolution; being intimate, they communicated their minds to each other, and determined to live together ever after. After consulting on the best method of proceeding, they agreed that one should put on man's apparel, and that they would pass as man and wife in some part where they were not known. The difficulty now was who was to be the *man*, which was soon decided, by the toss up of a half-penny, and the lot fell on Mary East, who was then about sixteen years of age, and her partner seventeen. The sum they were then possessed of together was about thirty pounds; with this they set out, and Mary, after purchasing a man's

habit, assumed the name of James How, by which it will be well here to distinguish her. In the progress of their journey, they happened to light on a little public-house at Epping, which was to let; they took it, and lived in it for some time; about this period a quarrel happened between James How and a young gentleman, who assaulted James. James entered an action against him, and obtained damages of £500, which were paid. Possessed of this sum, they sought for a place in a better situation, and took a public-house in Limehouse, where they sojourned many years as man and wife, saving money, in good credit and esteem: they afterwards left this, and removed to the White Horse, at Poplar, which they bought, and after that several more houses.

About the year 1750, one Mrs. Bentley, who lived on Garsick Hill, and was acquainted with James in her younger days knowing in what circumstances she lived, and of her being a woman, thought this a good scheme to build a project on, and accordingly sent to demand ten pounds, at the same time intimating that if she would not forward it, she would discover her. James, fearful of this, complied, and gave the money. It rested here for a considerable time, during which James lived with his supposed wife in good credit, and had served all the parish-offices in Poplar, excepting constable and churchwarden, from the former of which she was excused by a lameness in her hand, occasioned by the quarrel already mentioned; the other she would have had the next year, if the discovery had not happened: she had been several times foreman of juries; though her effeminacy indeed was remarked by most. At Christmas, 1765, Mrs. Bentley sent again with the same demand for ten pounds, and with the like threatening obtained it; flushed with success, and not yet contented, she within a

fortnight after asked for the like sum, which James at that time happened not to have in the house; however, still fearful and cautious of a discovery, she let her have five pounds. The supposed wife of James How now died, and the conscionable Mrs. Bentley thought of some scheme to enlarge her plunder. For this purpose she got two fellows to execute her plan; the one a mulatto, who was to pass for one of Justice Feilding's men, the other to be equipped with a short pocket staff, and to act as constable. In these characters they came to the White Horse, and inquired for Mr. How, who answered to the name; they told her that they came from Justice Fielding to take her into custody for a robbery thirty-four years ago, and moreover that she was a woman. Terrified to the greatest degree on account of her sex, though conscious of her innocence in regard to the robbery, an intimate acquaintance, one Mr. Williams, a pawnbroker, happening to be passing by, she called to him, and told him the business those two men came about, and withal added this declaration to Mr. Williams,—“I am really a woman, but innocent of their charge.” On this sincere confession, he told her she should not be carried to Feilding, but go before her own bench of justices; that he was obliged to just step home, but would be back in five minutes. At his departure, the two fellows threatened James How, but at the same time told her, that if she would give them £100, they would trouble her no more; if not, she would be hanged in sixteen days, and they should have forty pounds a-piece for hanging her. Notwithstanding these threatenings she would not give them the money, waiting with impatience till the return of Mr. Williams; on her denial, they immediately forced her out, and took her near the fields, still using the same threats; adding, with imprecations, “Had

you not better give us the £100 than be hanged?" After awhile they got her through the fields, and brought her to Garlick Hill to the house of the identical Mrs. Bentley, where with threats they got her to give a draft on Mr. Williams to Bentley, payable in a short time; which when they had obtained they let her go. Williams came back punctual to his promise, and was surprised to find her gone. He immediately went to the bench of justices to see if she was there, and not finding her, went to 'Sir John Fielding's, and not succeeding, came back, when James soon after returned; she related to him all that had passed. The discovery was now public. On Monday, July 14, 1766, Mrs. Bentley came to Mr. Williams with the draft, to know if he would pay it, being due the Wednesday after. He told her if she appeared with it when due, he should know better what to say. In the meantime, he applied to the bench of justices for advice, and Wednesday being come, they sent a constable with others to be in the house. Mrs. Bentley punctually arrived for payment of the draft, bringing with her the mulatto man. Both were taken into custody, and carried to the bench of justices sitting at the Angel in Whitechapel, where Mr. Williams attended with James How, dressed in the proper habit of her sex, now again under her real name of Mary East. The alteration of her dress from that of a man to that of a woman seemed so great, that, together with her awkward behavior in her new-assumed habit, it caused much diversion. In the course of examination Mrs. Bentley denied sending for the £100. The mulatto declared likewise, if she had not sent him for it he should never have gone. In short, they so contradicted each other, that they discovered the whole villainy of their designs. In regard to the £10 which Bentley had before obtained, she in her

defence urged that Mary East had sent it to her. After the strongest proof of their extortion and assault, they were denied any bail, and both committed to Clerkenwell Bridewell, to be tried for the offence. The other man made off, and was not afterwards heard of. At the following session, Bentley and the mulatto, whose name was William Barwick, were tried for defrauding the female husband of money, and were convicted; when they were sentenced to four years' imprisonment, and to stand four times in the pillory.

During the whole time of their living together as man and wife, which was thirty-four years, Mary East and her ally were held in good credit and esteem, having during this time traded for many thousand pounds, and been to a day punctual in their payments. They had also, by honest means, saved up between £4000 and £5000. It is remarkable that it was never observed that they dressed a joint of meat in their whole lives, nor ever had any meetings or the like at their house. They never kept either maid or boy; but Mary East, the pseudo James How, always used to draw beer, serve, fetch in, and carry out pots herself, so consistent were they in every particular.



## THE PSEUDO-NOBLEMAN.

THE offender in the following instance was actually led into crime by possessing those very qualifications which, one would naturally think, should have kept him entirely out of it. His handsome person and aristocratic bearing, his excellent education, his polished manners and insinuating address, were so remarkable, that strangers frequently took him for some personage of very high consequence. This so turned his head, though only a lieutenant, that he determined to become a nobleman, at least in appearance. Henry Griffin (for that was his name) was born in America, and held a commission in the British Army; he could not, however, resist his notions of nobility, and he sold out. With the money he launched into an expensive style of living; he assumed a title and passed as a lord. This was all safe enough while his coin lasted, but when that was gone, he still clung to the peerage. To maintain his false rank he became a swindler. As a nominal Duke, Marquis, Earl, Viscount, or Baron, he long lived on the credulity of tradesmen and others, both in London and in Paris, where the confused state of society owing to the Revolution afforded him easy introductions. Going, on his return from France, to Newmarket, he betted largely, and under pretence of paying his bets, rode to the bank there with other gentlemen, and asked for £500 on his check in London, as Duke of Ormond; which the banker readily gave

his supposed grace, though the title had long been extinct. He evaded pursuit, and passed into the midland counties, and resided under his proper name of Griffin, at an inn at Leicester, where he joined others in the general laugh at the Newmarket banker, whose loss had been explained in all the newspapers. Mine host of Leicester had a fair daughter, who was engaged in marriage to one King, who kept another inn ; but the irresistible address of Griffin so fascinated her, that she eloped with him. Her father, and King her lover, pursued them, and found them at the Hen and Chickens, Birmingham; when, having procured a constable, they forced open the room, on which Griffin fired at the assailants, and wounded King in the jaw so severely, that for some days his life was despaired of. For this act, Griffin was committed to Warwick Gaol, and while there, was accidentally identified as the person, who, at Newmarket, had personated the sham Duke of Ormond, and committed numerous other frands.

His prosecutors selected a capital charge, and he was indicted and tried at the Warwick assizes in 1792, for feloniously forging (in the county of Warwick) and uttering a bill of exchange, purporting to be drawn by the Earl of Tankerville, upon Messrs. Coutts and Co., bankers, London, requiring them to pay to Lord Massey, or bearer, £1449, with intent to defraud Charles Green, and his co-partner Robert Willerton. Mr. Green deposed, that he was a jeweler, in partnership with Mr. Willerton, living in Bond Street ; on the 16th of March, 1791, the prisoner came to their shop, appeared grand, and desired several articles of jewelry might be sent to his apartments, 36 St. James's Place, leaving at the same time a copper-plate card with his assumed name of Lord Massey, upon it. About four in the afternoon, Mr. Green went to the

house, and was ushered up stairs into the dining-room by a servant in livery; he there saw the prisoner, and had a short conversation, when the servant announced the arrival of Dr. Hunter, and he was requested to withdraw. A few minutes after the doctor's departure, the prisoner looked at the goods Mr. Green had brought, and purchased a pair of diamond ear-rings, a gold watch set with diamonds, a chain, and other articles, and gave him a draft for £760, signed Lord Tankerville, and payable to Lord Massey. The note was refused as a forgery; and Mr. Green returned to the prisoner's house, but he was gone.

The jury having declared him guilty, he was hanged at Warwick; being then only twenty-five years of age.

As a specimen of his poetical talents, the following verses were found in his cell after his execution:—

“ Shall he ignobly in a rope expire,  
Whose hand can wake to ecstasy the lyre ?  
Shall he be branded with the mob's hard curse,  
Who oft hath pour'd the sweetly vary'd verse ?  
Whose manly Muse, indignant of control,  
Can wake such notes as harrow up the soul ?  
Or paint, with social sympathy imprest,  
The rapt'rous anguish of a lover's breast ?  
Yes, say, shall one, endow'd with gifts like these,  
Wit, sense, good humor, elegance and ease,  
For erring once amidst the storms of strife,  
Be rudely blotted from the book of life ?

Tho' Justice, leaning from her seat sublime,  
Demands a due attonement for each crime,  
Yet doom me not to mingle with the dead,  
With all my imperfections on my head ;  
Let me to earth's extremest verge be driv'n,  
That penitence may smooth my way to Heav'n.

Ah! no, what solace can existence give  
To one condemn'd in infamy to live.  
Who, scorn'd by others—of himself asham'd,  
Is shunn'd, and spoke of—only to be blam'd;  
When truth and virtue from the breast depart.  
The clouds of sorrow gather round the heart;  
And keen remorse, where'er we chance to stray,  
Becomes the sole companion of our way.

Yet, tho' degraded to a state like this,  
And 'reft of social and domestic bliss,  
If doom'd to visit that opprobrious land,  
Where impious exiles form a desperate band,  
Some sober scheme I'll studiously enforce,  
And, self-repenting, tread in virtue's course;  
A little useful seminary found,  
And spread the flame of reformation round;  
Instruct the offspring of ill-fated hinds,  
And sow the seeds of wisdom in their minds:  
Teach them to teem with sympathetic thoughts,  
And weep in pity o'er another's faults;  
Till, wak'd to prudence by their parent's shame—  
They grow ambitious of a virtuous name.

But, ah! what favor can I hope to find?  
No glimpse of pardon dawns upon my mind!  
Fate calls my trembling spirit to the skies,  
And ignominious death must seal mine eyes!

To Thee, great God, whose piercing eye can dart  
Through the dark windings of the human heart,  
To Thee I pour my supplicating cries——  
For Thou art, yet, as merciful as wise;  
Oh! deign from Thy ethereal throne to hear  
The invocation of a soul sincere:  
And, since Thy goodness has allow'd me time  
To see my error, and repent my crime,  
Oh! grant an earnest of eternal day,  
Nor cast Thy prostrate penitent away!"

The Leicester landlord's daughter was inconsolable ; she became religious ; she first attached herself to a Methodist congregation, and eventually joined the Society of Friends. She altogether rejected the further advances of King, refusing to marry a man who had been instrumental in bringing her favored lover to so untimely an end.



## THE KESWICK IMPOSTURE.

Sweet Muse, the child and friend of woe,  
Sweet Lyre, to sorrow ever dear,  
Oh, may your softest accents flow  
To mourn the Maid of Buttermere !

As some fresh violet in the dale,  
Delights its lonely head to rear,  
And spreads its fragrance on the gale,  
So bloomed the Maid of Buttermere.

As 'scapes the bud the clouted shoon,  
And many a wandering footstep near,  
So 'scapes through nature's dangerous noon  
The grace and charm of Buttermere.

As some rude townsman passes by,  
And plucks the flower to all so dear,  
So one rude hand, one keener eye,  
Plucked the fair flower of Buttermere.

If by true passion led astray,  
Thy bosom felt love's tender tear,  
Who shall not mourn the fatal day  
That crushed the pride of Buttermere.

The wounded flower shall still survive,  
Shall bloom and charm some future year,  
But who shall bid that heart revive  
That beats so sad at Buttermere ?

For Mary many a tear shall fall,  
And heaved be many a sigh sincere,  
And oft shall pitying breasts recall  
The bursting heart at Buttermere.

*The Gentle Shepherd of Witham.*

THE melancholy story of Mary of Buttermere has been over  
and over again a subject with poets and romancists. In the

period of her far-famed beauty, as well as that of her unmerited misfortunes, she long formed one of the attractions of the lovely district in which she resided. Although in her own neighborhood she had been known from childhood as the Beauty of Buttermere, the first cause of the general interest attaching to Mary Robinson (for that was her name) was this. One of the many travelers who frequented the inn kept by her father in the village of Buttermere, at the side of the lake, and near the town of Keswick, happened to be an author, and wrote a very popular book entitled a "Fortnight's Ramble to the Lakes in Westmoreland, Lancashire, and Cumberland." He there, amid his admiration of the wonderful witchery of the glorious landscapes he had visited, discoursed in glowing terms on the enchanting beauty, grace, and intellect on the daughter of mine host. Mary, by general accord, was the loveliest inhabitant of that lovely scene; "when a' the fairest maids were met," she was "the fairest maid." Unlike, however, the bonnie Jean of Burns' famous ballad—probably, by the way, the most exquisite love ditty ever penned—the Beauty of Buttermere had to experience not the truth but the treachery of man. Owing to the praises in the "Fortnight's Ramble," she became a wonder, and the crowds who thronged each season to the lakes thought their journey incomplete unless they saw and conversed with Mary Robinson. She had to live in a perfect atmosphere of admiration and compliments. The very writer of the "Fortnight's Ramble" took alarm at the danger to which so much attraction exposed the object of his praise; and it is somewhat singular and not a little melancholy to find him taking occasion, on his revisit to the lakes, to warn poor Mary of her perilous situation. This author, in the account of his second ramble, thus

depicts Mary, and relates the circumstance of his admonition. "Mary Robinson," says he—he was at Mary's inn at the time—"has really a heavenly countenance; yet is she far from a perfect beauty; and in a few years she may grow too large even to have been thought what she now is. She is nineteen, and very tall; her voice is sweetly modulated, and in every point of manner, she appeared such as might be fitted to shine in courts with unaffected lustre. . . . The weather was lowering, and I did not wish, in case of a downfall, to be cribbed in Buttermere; therefore seizing the opportunity of our being alone, I told Mary I knew the author of the "Fortnight's Ramble," and as such I had something to say to her. She curtsied respectfully, and taking her by the hand I began. 'Mary, I wrote it, and I rejoice in having had such an opportunity of minutely observing the propriety of your behavior. You may remember I advise you in that book never to leave your native vale: your age and situation require the utmost care. Strangers have come and will come purposely to see you, and some of them with very bad intentions. I hope you will never suffer from them; but, never cease to be on your guard. You are really not so handsome as you promised to be, and I have long wished by conversation like this to do away what mischief the flattering character I gave you may expose you to. Be merry and wise.' She told me she sincerely thanked me, and said, 'I hope, sir, I ever have, and trust I always shall take care of myself.' I then bade her farewell."

Alas! even the kind and well-intentioned traveler in his caution could not have anticipated the strange and foul deception which awaited her, and which her very virtue could not guard against. Mary sinned not, but was undone. The

passion that destroyed her happiness may be likened to that of Burns's rustic beauty:

‘ As in the bosom o’ the stream  
The moonbeam dwells at dewy e’en;  
So trembling, pure, was tender love  
Within the breast o’ bonnie Jean.”

But “hawks will rob the tender joys that bless the little lint-white’s nest,” and certainly never was there more treacherous bird of prey than that which made havoc of the beauty and happiness that dwelt in the humble inn of Buttermere. The villain was one John Hatfield, and it now becomes necessary to trace his eventful and discreditable history.

This John Hatfield was born in 1759, at Mottram, in Longdendale, Cheshire. He was a man of low descent, but of handsome person, and much natural ability. After some domestic misconduct, (for, in his early days he betrayed the depravity of his disposition,) he quitted his family, and was employed in the capacity of a rider to a linen-draper in the north of England. In the course of this service, he became acquainted with a young woman, who was nursed and resided at a farmer’s house in the neighborhood of his employer. She had been, in her earlier life, taught to consider the people with whom she lived as her parents. When this girl had arrived at a certain age, the farmer explained to her the secret of her birth: he told her that, notwithstanding she had always considered him as her parent, he was in fact only her guardian, and that she was the natural daughter of Lord Robert Manners, son of John second Duke of Rutland, who intended to give her one thousand pounds, provided she married with his approbation. This discovery soon reached the ears of Hatfield: he immediately paid his respects at the farmer’s, and

having represented himself as a young man of considerable expectations in the wholesale linen business, his visits were not discountenanced. The farmer, however, thought it incumbent on him to acquaint his lordship with a proposal made to him by Hatfield, that he would marry the young woman, if her relations were satisfied with their union, but on no other terms. This had so much the appearance of an honorable and prudent intention, that his lordship, on being made acquainted with the circumstances, desired to see the lover. He accordingly paid his respects to the unsuspecting parent, who conceiving the young man to be what he represented himself, gave his consent at the first interview; and, the day after the marriage, he presented the bridegroom with a draft on his banker for £1500. This transaction took place about the year 1771 or 1772. Shortly after the receipt of his lordship's bounty, Hatfield set off for London; hired a small phaeton; was perpetually at the coffee-houses in Covent-Garden; described himself to whatever company he chanced to meet as a near relation of the Rutland family; vaunted of his parks and hounds; but as habitual practitioners in falsehood have seldom good memories, he so varied in his descriptions that he acquired the appellation of *Lying Hatfield*.

The marriage portion exhausted, he retreated from London, and was scarcely heard of until about the year 1782, when he again visited the metropolis, having left his wife with three daughters she brought him, to depend upon the precarious charity of her relations. Happily she did not long survive; and the author of her calamities during his stay in London, soon experienced grief himself, having been arrested, and committed to the King's Bench prison for a debt, amounting to the sum of £160. Several unfortunate gentlemen, then confined in the



same place, had been of his parties when he flourished in Covent Garden, and perceiving him in great poverty frequently invited him to dinner; yet such was the unaccountable disposition of this man that, notwithstanding he knew there were people present who were thoroughly acquainted with his character, still he would continue to describe his Yorkshire park, his estate in Rutlandshire settled upon his wife, and generally wind up the whole with observing how vexatious it was to be confined at the suit of a paltry tradesman for so insignificant a sum, at the very moment when he had thirty men employed in cutting a piece of water near the family mansion in Yorkshire. At the time Hatfield became a prisoner in the King's Bench, the unfortunate Valentine Morris, Governor of the Island of St. Vincent, was confined in the same place. This gentleman was frequently visited by a clergyman of benevolent and humane disposition. Hatfield soon directed his attention to the good man, and one day earnestly invited him to attend him to his chamber. After some preliminary apologies, he implored the worthy pastor never to disclose what he was going to communicate. The divine assured him the whole should remain in his bosom. "Then," said Hatfield, "you see before you a man nearly allied to the house of Rutland, and possessed of estates [here followed the old story of the Yorkshire park, and the Rutlandshire property, etc. ;] yet, notwithstanding all this wealth," continued he, "I am detained in this wretched place, for the insignificant sum of one hundred and sixty pounds. But the truth is, sir, I would not have my situation known to any man in the world but my worthy relative, his Grace of Rutland. Indeed, I would rather remain a captive for ever. But, sir, if you would have the goodness to pay your respects to this worthy nobleman, and frankly describe

how matters are, he will at once send me the money by you, and this mighty business will not only instantly be settled, but I shall have the satisfaction of introducing you to a connection which may be attended with happy consequences."

The honest clergyman readily undertook the commission; paid his respects to Charles then Duke of Rutland, great grandson of the duke above mentioned, and pathetically described the unfortunate situation of his amiable relative. His Grace of Rutland, not recollecting at the moment such a name as Hatfield, expressed his astonishment at the application. This reduced the worthy divine to a very awkward situation, and he faltered in his speech when he began making an apology; which the duke perceiving, he very kindly observed, that he believed the whole was some idle tale of an imposter, for that he never knew any person of the name mentioned although he had some faint recollection of hearing Lord Robert, his relative, say that he had married a natural daughter of his to a tradesman in the north of England, and whose name he believed was Hatfield. The reverend messenger was so confounded that he immediately retired, and proceeded to the prison, where he gave the imposter, in the presence of Mr. Morris, a severe lecture. But the appearance of this venerable visitor as his friend had the effect which Hatfield expected; for the duke sent to inquire if he was the man that married the natural daughter of Lord Robert Manners, and being satisfied as to the fact, despatched a messenger with £200, and had him released.

In 1784, the Duke of Rutland was appointed Lord Lieutenant of Ireland, and shortly after his arrival in Dublin, Hatfield made his appearance in that city. He immediately, on his landing, engaged a suit of apartments at a hotel in

College Green, and represented himself as nearly allied to the viceroy, but stated that he could not appear at the castle until his horses, servants, and carriages, were arrived, which he ordered, before his leaving England, to be shipped at Liverpool. The easy and familiar manner in which he addressed the master of the hotel, perfectly satisfied him that he had a man of consequence in his house, and matters were arranged accordingly. Hatfield soon found his way to Luca's coffee-house, a place frequented by people of rank. This being a new scene, the Yorkshire park, the Rutlandshire estate, and the connections with the Rutland family stood their ground very well for about a month.

At the expiration of that time the bill at the hotel amounted to sixty pounds and upwards. The landlord became importunate, and after expressing his astonishment at the non-arrival of Mr. Hatfield's domestics and effects, requested he might be permitted to send in his account. This did not in the least confuse Hatfield: he immediately told the master of the hotel that very fortunately his agent, who received the rents of his estates in the north of England, was then in Ireland, and held a public employment; he lamented that his agent was not actually in Dublin, but he had the pleasure to know his stay in the country would not exceed three days. This for a time satisfied the landlord, and at the expiration of the three days, he called upon the gentleman whose name Hatfield had given him, and presented the account. Here followed another scene of confusion and surprise. The supposed agent of the Yorkshire estate very frankly told the man who delivered the bill, that he had no other knowledge of the person who sent him than what common report furnished him with, that his general character in London was that of a

romantic simpleton, whose plausibilities had imposed on several people, and plunged him in repeated difficulties. The landlord retired with this information, and immediately arrested his guest, who was lodged in the prison of the Marshalsea. Hatfield had scarcely got there when he went to the gaoler's wife, and, in a whisper, requested of her not to tell any person that she had in her custody a near relation of the then viceroy. The woman, astonished at the discovery, immediately showed him into the best apartment in the prison, had a table provided, and she, her husband, and Hatfield, constantly dined together for nearly three weeks, in the utmost harmony and good humor. During this time he had petitioned the duke for another supply, who, apprehensive that the fellow might continue his impositions in Dublin, released him on condition of his immediately quitting Ireland; and his grace sent his servant, who conducted him on board the packet that sailed the next tide for Holyhead.

In 1792 Hatfield came to Scarborough, introduced himself to the acquaintance of several persons of distinction in that neighborhood, and insinuated that he was, by the interest of the Duke of Rutland, soon to be one of the representatives in Parliament for the town of Scarborough. After several weeks' stay at the principal inn, his imposture was detected by his inability to pay the bill. He fled to London, but was arrested there for the Scarborough debt, and thrown into prison. He had been eight years and a half in confinement, when a Miss Nation, of Devonshire, to whom he had become known, paid his debts, took him from prison, and gave him her hand in marriage.

Soon after his liberation he had the good fortune to prevail with some highly respectable merchants in Devonshire to take



him into partnership, and induced a clergyman to accept his drafts to a large amount. He made, upon this foundation, a splendid appearance in London, and, before the general election, even proceeded to canvass Queenborough. Suspicions in the meantime arose, in regard to his character and the state of his fortune. His creditors discovering his true history, became obstreperous; he fled from their indignant importunities, and he was declared a bankrupt in order to expose his career and bring him to punishment. In his escape he heartlessly left behind his second wife and her infant children. The Buttermere tragedy now drew near. After a few more wanderings, he, in July, 1802, arrived at the Queen's Head, in Keswick, in a carriage, but without any servant, where he assumed the name of the Honorable Alexander Augustus Hope, brother of the Earl of Hopetoun, and member for Linlithgow. Some evil genius directed his steps to the cottage of poor Mary; he formed her acquaintance, and became enamored of her. She, in turn, loved "not wisely, but too well." Hatfield also became known to Mr. Montgomery More, an Irish gentleman, and a former member of the then just extinct Irish parliament, who had been resident with his family some months at Keswick. With this gentleman, and under his immediate guardianship, there was a young lady of position and fortune, and of great personal attraction. One of the means which Hatfield used to introduce himself to this respectable circle was the following:—Understanding that the gentleman had been a military man, he took an army-list from his pocket, and pointed to his assumed name, the Honorable Alexander Augustus Hope, lieutenant-colonel of the 14th regiment of foot. The new acquaintance daily gained ground, and he shortly paid his addresses to the young lady, and



obtained her consent. The wedding-clothes were bought; but, previously to the day being fixed, she insisted that the pretended Colonel Hope should introduce the subject formally to his friends. He pretended to write letters, and while waiting for the answers proposed to employ that time in a trip to Lord Hopetoun's seat. He played a double game; his visits to Keswick became frequent, and his suit to Mary was no less assiduous and fervent. Still, however, both at Keswick and Buttermere, he was somewhat shy of appearing in public. He was sure to be engaged in a fishing expedition on the day on which any company was expected at the inn at Buttermere; and he never attended the church at Keswick but once. His want of candor, and his reluctance to explain anything further about himself, baffled his schemes to obtain the young lady and her fortune. He grew less ardent towards her, and avoided her. He entirely fixed on his other prey; he applied himself, heart and soul, to gain possession of Mary Robiusion. He made the most minute inquiries among the neighbors into every circumstance relating to her and her family. She was an only child, and her parents had saved very little property for her. At length the poor girl yielded to his apparently honorable offer, and the already married and sham Colonel Hope, in company with a clergymen, procured a licence on the 1st of October. He and Mary were publicly wedded in the church of Lorton, on Saturday, the 2nd of October, 1802.

On the day previous to this bigamy, he wrote to Mr. More, the friend of the lady he was still supposed to address, informing him that he was under the necessity of being absent for ten days on a journey into Scotland, and sending him a draft for thirty pounds, drawn on Mr. Crumpton, of Liverpool, desired him to cash it, and pay some small debts in Keswick with it,

and send him over the balance, as he feared he might be short of cash on the road. This Mr. More immediately did, and sent him ten guineas in addition to the balance. On the Saturday, Wood, the landlord of the Queen's Head, returned from Lorton with the public intelligence that Colonel Hope had married the Beauty of Buttermere. As it was clear, whoever he was, that he had acted unworthily and dishonorably to the lady at Keswick, her guardian, Mr. More, had his suspicions awakened. He instantly remitted the draft to Mr. Crumpton, who accepted it. Mr. More then wrote to the Earl of Hopetoun. Before the answer arrived, the pretended honorable returned with his wife to Buttermere. He had gone only as far as Longtown, when he received two letters, seemed much troubled that some friends whom he expected had not arrived there, stayed three days, and then told his wife that he would again go back to Buttermere. From this time she was seized with fears and suspicions. They returned, however, and their return was made known at Keswick. An accident hastened Hatfield's exposure. Mr. Harding the barrister, a Welch judge, and a friend of the real Col. Hope, passing through Keswick, heard of the colonel being there, and wishing to see him, sent his servant over to Buttermere with a note which reached the supposed Col. Hope, who observed "that it was a mistake, and that the note was for a brother of his." However, the colonel, or rather Hatfield, ordered four horses, and came over to Keswick; he drew another draft on Mr. Crumpton, for twenty pounds, which the landlord at the Queen's Head had the ill luck to cash. Of this sum he sent over the ten guineas to Mr. More, who immediately saw him, and insisted on his allowing himself to be introduced as Colonel Hope to the judge, whom Mr. More happened to know. The

natrnal result followed. The judge declared him not to be the Hon. Col. Hope, M. P. Hatfield was staggered, but made a blank denial that he had ever assumed the name; he said his name was Hope, but not that he was an honorable, and member for Linlithgow; one who had been his frequent companion and intimate at Bnttermere, spoke to the same purpose. In spite, however, of his impudent assertions, and those of his associate, the evidence against him was decisive. A warrant was given by Sir Frederick Vane on the clear proof of his having forged and received several franks as the Member for Linlithgow, and he was committed to the care of a constable. He found means to escape, took refuge for a few days on board a sloop off Ravinglass, then went in a coach to Ulverston, and was afterwards seen at a hotel in Chester. In the meantime the following advertisement, setting forth his person and manners, was inserted in the public prints:—"Notorious imposter, swindler, and felon ! John Hatfield, who lately married a young woman, commonly called the Beauty of Bnttermere, under an assumed name; height about five feet ten inches; aged about forty-four; full face, bright eyes, thick eyebrows, strong but light beard, good complexion, with some color; thick, but not very prominent nose, smiling countenance, fine teeth, a scar on one of his cheeks near the chin, very long thick light hair, and a great deal of it gray done up in a club: stiff, square-shouldered, full breast and chest, rather corpulent, and strong limbed, but very active; and has rather a spring in his gait, with apparently a little hitch in bringing up one leg; the two middle fingers of his left hand are stiff from an old wound; he has something of the Irish brogue in his speech: fluent and eloquent in his language, great command of words, frequently pnts his hand to his heart; very fond of compliments, and

generally addressing himself to persons most distinguished by rank or situation; attentive in the extreme to females, and likely to insinuate himself where there are young ladies. He says he was in America during the war: is fond of talking of his wounds and exploits there, and of military subjects, as well as of Hatfield Hall, and his estates in Derbyshire and Cheshire; and of the antiquity of his family, whom he pretends to trace to the Plantagenets. He makes a boast of having often been engaged in duels: he has been a great traveler also, by his own account, and talks of Egypt, Turkey and Italy; and in short, has a general knowledge of subjects, which, together with his engaging manners, is well calculated to impose upon the credulous. He had art enough to connect himself with some very respectable merchants in Devonshire, as a partner in business, but having swindled them out of large sums, he was made a separate bankrupt in June, 1802. He cloaks his deceptions under the mask of religion, appears fond of religious conversation, and makes a point of attending divine service and popular preachers."

Though he was personally known in Chester to many of the inhabitants, yet this expert rogue had so artfully disguised himself, that he quitted the town without any suspicion, before the Bow Street officers reached that place in quest of him. He was then traced to Builth in Brecknockshire, and was at length apprehended about sixteen miles from Swansea, and committed to Brecon gaol. He had a cravat on, with his initials, J. H., which he attempted to account for by calling himself John Henry. Before the magistrates he declared himself to be Tudor Henry; and, in order to prepossess the Cambrians in his favor, boasted that he was descended from an ancient family in Wales, for the inhabitants of



which country he had ever entertained a sincere regard. He was, however, conveyed up to town by one of the Bow Street officers, where he was examined on his arrival before the magistrates. The solicitor for his bankruptcy attended to identify his person, and stated that the commission of bankruptcy was issued against Hatfield in June, 1802; that he attended the last meeting of the commissioners, but the prisoner did not appear, although due notice of the bankruptcy had been given in the gazette, and he himself had given a personal notice to the prisoner's wife at Wakefield, near Tiverton, Devon. Mr. Parkyn, the solicitor to the Post-office, produced a warrant from Sir Fletcher Vane, Bart., a magistrate for the county of Cumberland, against the prisoner, by the name of the Hon. Alexander Augustus Hope, charging him with a felony, by pretending to be a Member of Parliament of the United Kingdom, and franking several letters by the name of A. Hope, which were put into the Post-office at Keswick, in Cumberland, in order to evade the duties of postage. Another charge for forgery, and the charge of bigamy relative to the poor Buttermere Beauty, were explained to him, but not entered into, as he was committed for trial for the first forgery at the next ensuing assizes at Carlisle. He conducted himself with propriety during his journey to town, and on his examination; but said nothing more than answering a few questions put to him by Sir Richard Ford and the solicitors. He was then dressed in a black coat and waistcoat, and boots, and wore his hair tied behind without powder. His appearance was respectable, though quite in deshabille. The Duke of Cumberland and several other gentlemen were present at his examination; in the course of which the following letter was produced :—



“ Keswick, October the 1st, 1802.

John Crumpton, Esq., Liverpool.

Free, A. Hope.

“ BUTTERMERE, Oct. 1, 1802.

“ DEAR SIR,—I have this day received Mr. Kirkman’s kind letter from Manchester, promising me the happiness of seeing you both in about ten days, which will, indeed, give me great pleasure; and you can, too, be of very valuable service to me at this place, particulars of which, when we meet, though I shall probably write to you again in a few days. The chief purpose for which I write this is to desire you will be so good as to accept a bill for me, dated Buttermere, the 1st of October, at ten days, and I will either give you cash for it here, or remit it to you in time, whichever way you please to say. It is drawn in favor of Nathaniel Montgomery More, Esq. Be pleased to present my best respects to your lady; and say I hope, ere the winter elapses, to pay her my personal respects; for if you will manage so as to pass a little time with me in Scotland, I will promise to make Liverpool in my way to London. With the truest esteem, I am, dear sir, yours ever,

“ A. HOPE.”

This letter, it was proved, passed free of postage. Another letter was also produced from his wife at Tiverton, and a certificate of his marriage with Mary of Buttermere. His trial came on on August 15, 1803, at the assizes of Cumberland, before Sir Alexander Thompson, a Baron of the Exchequer, and afterwards Chief Baron. He stood charged upon the following indictments:—

With having assumed the name and title of the Hon. Alexander Augustus Hope, and pretending to be a Member of Parliament; and with having, about the month of October

last, under such false and fictitious name and character, drawn draft or bill of exchange, in the name of Alexander Hope, upon John Crnmpt, Esq., for the sum of £20.

With having assumed the name of Alexander Hope, and pretending to be a Member of Parliament, the brother of the Right Hon. Lord Hopetoun, and a colonel in the army; and under such false and fictitious name and character, having forged and counterfeited the handwriting of the said Alexander Hope, in the superscription of certain letters or packets, in order to avoid the payment of postage.

The prisoner pleaded not guilty to the charges.

Mr. Scarlett (afterwards Lord Abinger) opened the first case and addressed the jury.

In support of what he advanced he called Mr. Quick, who was clerk in the house at Tiverton, where Hatfield was partner, who swore to his handwriting.

The Rev. Mr. Nicholson swore that when the prisoner was asked his name, he said it was a comfortable one, Hope.

The evidence for the prosecution having closed, the prisoner addressed the jury. He said he felt some degree of satisfaction in being able to have his sufferings terminated, as they must of course be by their verdict. For the space of nine months he had been dragged from prison to prison, and torn from place to place, subject to all the misrepresentations of calumny. "Whatever will be my fate," said he, "I am content; it is the award of justice, impartially and virtuously administered. But I will solemnly declare, that in all my transactions, I never intended to defraud or injure the persons whose names have appeared in the prosecution. This I will maintain to the last of my life."

The prisoner called in his defence a Mr. Newton, an attor-

ney at Chester, who said he was employed by the prisoner in the summer assizes in recovering an estate in the county of Kent. He understood the prisoner's father to be a respectable man; some of the family very opulent. Believed the prisoner had a mother-in-law; the prisoner was married; never knew him to bear any other name than John Hatfield; he married a lady of the name of Nation. His assignees had sold the estate in question. Witness knew nothing of his circumstances previous to the recovery of the estate. It was rented at £100 per annum. Did not know why the prisoner quitted Devonshire. Prisoner did not then travel in his own carriage, but formerly kept a carriage.

After the evidence was gone through, Mr. Baron Thompson, with great perspicuity and force, summed up the whole, and commented upon such parts as peculiarly affected the fate of the prisoner. "Nothing," his lordship said, "could be more clearly proved than that the prisoner did make the bill or bills in question, under the assumed name of Alexander Augustus Hope, with an intention to defraud. That the prisoner used the additional name of Augustus was of no consequence in this question. The evidence showed plainly that the prisoner meant to represent himself to be another character; and under that assumed character, he drew the bills in question. If anything should appear in mitigation of the offences with which the prisoner was charged, they must give them a full consideration; and though his character had been long shaded with obloquy, they must not let this in the least influence the verdict they were sworn to give."

The jury consulted about ten minutes, and then returned their verdict—Guilty of forgery. He was also found guilty on the second indictment.

The trials commenced about eleven o'clock in the forenoon, and ended about seven in the evening, during the whole of which time the court was excessively crowded. The prisoner's behavior was firm; and he employed himself during the greatest part of the day in writing notes on the evidence, and in communicating with his counsel, Messrs. Topping and Holroyd. When the verdicts of the jury were given, the court adjourned, and the prisoner was ordered to be brought up the following day to receive sentence. The crowd was immense, and he was allowed a post-chaise from the town-hall to the gaol. At eight o'clock the next morning, the court met again. The judge addressed the prisoner in the following impressive terms :

"John Hatfield, after the long and serious investigation of the charges which have been preferred against you, you have been found guilty by a jury of your country.

"You have been distinguished for misdeeds of such extent as have seldom, if ever, received any mitigation of capital punishment, and in your case it is impossible it can be limited. Assuming the person, name and character of a worthy and respectable officer, of a noble family in this country, you have perpetrated and committed the most enormous crimes. The long imprisonment you have undergone has afforded time for your serious reflection, and an opportunity of your being deeply impressed with a sense of the magnitude of your offences, and the justness of that sentence which must be inflicted upon you; and I wish you to be solemnly imbued with the awfulness of your situation. I conjure you to reflect with anxious care and deep concern on your approaching end, concerning which much remains to be done. Lay aside now your delusions and your impositions, and employ properly the short

space you have to live. I beseech you to devote the remaining part of your time in preparing for eternity, so that you may find mercy in the day of judgment." His lordship then passed sentence of death.

A notion prevailed that Hatfield would not be brought to the scaffold, and the arrival of the mail was daily expected with the greatest impatience. No pardon coming, Saturday, September 3, 1803, was at last fixed upon for the execution.

Accordingly, he was then hanged on a gallows erected upon an island formed by the river Eden, on the north side of the city of Carlisle, between the two bridges. A few days previously, he had had his coffin made, and expressed a strong wish that his remains should be interred in the sequestered churchyard of Burgh on Sands. The good parishioners, however, of Burgh stoutly objected to the intended honor, and so the culprit was buried in St. Mary's Churchyard, Carlisle, in the place usually allotted for those who came to untimely or unhallowed deaths.

The chief victim of this villain's life of deception, Mary of Buttermere, left her home and went into most secret retirement during the proceedings against her betrayer. She did this to avoid the numerous and rather unfeeling visits that were made to the inn at the time. So strong, it is said, was her love for Hatfield, that she grieved more at his fate than at her own undoing. When the news came to Mary's father and mother that Hatfield had certainly been hanged, they both exclaimed with one accord, "God be thanked!" Soon after, Mary returned to her parents, and resumed her former life as the attendant at their inn; but "her peace was stown;" a fixed and continual melancholy oppressed her; her personal loveliness gradually declined; and, in after years, few would



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have recognised, in the very ordinary person waiting upon them, the once famed beauty of Buttermere—the theme of poets, the talk of fashion, and the subject of general and much magnifying admiration. How Mary's attractions departed—slowly but certainly fading away—is shown by the writer of a "Tour to the Lakes in 1806," who saw her some three years after the calamity of her false marriage. He writes about her thus: "Mary, the victim of the sham but fascinating Colonel Hope, is of a dark complexion and good figure; she wears an attire of deep mourning, and bears an aspect of settled pensiveness. She has been celebrated as a beauty, but though it was her lot from an early age to draw the doubtful homage of admiration, her countenance, which is irregular and strongly marked in profile, is remarkable for little more than an interesting expression. Some visitors, of more curiosity than discernment, affect to turn from a set of features which report had falsely represented, '*adeo venusta, ut nihil supra.*' But though she is not beautiful, it is easy to discern a silent sweetness in her deportment, sympathising with the destruction of her heart, while she submits with dignified calmness to be the subject of that publicity to which her misfortunes, not her birth, have exposed her."

## A MURDER IN NUREMBERG, AND THE MODE ADOPTED THERE FOR ITS DISCOVERY.

THE following investigation affords a striking instance of the curious sagacity and unwearied patience of German magistrates and judicial functionaries in tracing out undivulged crime, each successive step being to them a means of ascending to the next in the scale of evidence. In the present case, as in many others recorded, the course seems this. The inquiry is pursued through the probable and improbable, until a faint gleam of light appears—a circumstance so trivial that it would appear to lead to nothing. Then it is that the German magistrate rushes on the scent, and evinces his consummate skill and pertinacity in arriving at the truth. The knowledge to the public of how he practices this art must have a considerable effect in repressing crime, since it gives an ample warning to all likely to profit by it, that the chance of guilt escaping undiscovered is small indeed. The logical precision used in weaving the chain of evidence, the acuteness with which one fact is inferred from another, the clear-sighted judgment with which inference is reasoned upon till it is clenched into certainty, amount indeed to a wonderful process. The following singular case is a remarkable instance of this system, as practised by the Germans, or more particularly the Bavarians, within whose confines the matter happened. The case was this :

Christopher Baumler inhabited his own house in the great

thoroughfare called King Street, in the well-known city of Nuremberg, in Bavaria. The house joined other buildings on either side, but the only thing connected with it that needs particular notice, as bearing upon what follows, is the street door. Like those in all other victualing houses of Nuremberg, this door consisted of two halves or flaps, one of which during the day-time, and indeed until the closing of the shop, was folded back upon the other, and a glass door was hung up to supply its place. By this simple arrangement light was admitted into the shop, for better showing the presses arranged around the walls. This door was an entry to the house, in the absence of any passage. At night the lamps within, being visible through the glass, served to attract the passers-by and assist the general custom of the house.

The trade of Baumler was of a complex kind, and will perhaps be interpreted according to English notions, if we describe him as a huckster, chandler and victualler, dealing also in brandy. He had only one servant, by name Anne Catherine Schutz, yet he had the reputation of being a man of substance.

It was the invariable custom of Baumler to open his shop at an early hour. His neighbors, therefore, were greatly surprised on the morning of the 22nd September, 1820, to find the shutters unclôsed long after the usual time, and some, more curious than the rest, began to listen at the door and window in hopes of learning what was the matter. After a time, finding that nothing seemed to stir within, a general idea began to prevail that all was not right, and application in consequence was made at the police-office for permission to break into the house, and see if anything had happened. This being granted, the parties forced their way through the window of the first

floor, and descending into the tap-room, the first thing they saw was the bloody corpse of Anne, the servant girl, stretched upon the floor, her skull smashed, and the shoes torn from her feet. The next object that presented itself was Baumler, lying murdered in his private sitting-room, under circumstances still more appalling. The near walls were besprinkled with blood; so too was the floor, while his body lay in a pool of gore between the stove and the table, on which stood a jug of beer. The head was shattered, and leant against a small stool that had been upset. Under the body was a tobacco-pipe, and a few small coins were scattered near; they had most likely dropped from his pocket when the murderer, or murderers, were turning them out to search for his keys, and in the hurry natural on such an occasion might easily have escaped notice. Some of the drawers of the different chests were found open, and with every appearance of having been rifled; while others did not seem to have been touched at all, leaving it to be inferred that the perpetrator had acted in a hurry, or had, upon sudden alarm, taken flight before he could fully accomplish his purpose. Various other facts were noted, but none that need repetition, except the apparently trivial one of two new rolls being found upon a meal-tub.

These indications, though sufficiently demonstrative of murder and robbery, yet to all appearance afforded no clue to the discovery of the perpetrator, whether considered separately or together. The assassin had done his work unseen, and in all probability alone; there was no one who, from having a previous quarrel with Baumler, could be suspected of his murder—no one that, from his general, known habits, the police could fix upon as a fitting subject for examination. True it is that Nuremberg, like any other city, had its bad

characters of all sorts ; but how was this heap of social refuse to be sifted, and the offender to be picked out of it, if indeed he really lay there, a point which was far from certain ? The first light thrown upon this dark and seemingly inexplicable matter was through the medium of the rolls.

When the magistrate came, according to custom, to examine the state of the house and the bodies soon after the murder, it so happened that among other curious neighbors, a baker was present, named Stierhof. Upon seeing the rolls he immediately remarked that they had been bought at his shop on the previous evening, a little after nine, by Baumler's maid-servant. This observation at once arrested the attention of the magistrate; it led to further inquiries in the same direction, and the next day the statement was confirmed by the baker's wife, who added : "Baumler's maid-servant came to our shop the evening before yesterday, and asked for two penny rolls, which I gave her. I did not, however, recognize the girl till she was going out, when I said, 'Is it you, neighbor?' to which she peevishly replied in the affirmative. I then asked, 'Have you any guests not gone yet?' and she answered, 'Oh yes, we have some fellows with us still.' For some time after she had left," continued the baker's wife, "I stood looking out of the window, and wondering that the street was so unusually silent. So much was this the case, that I could not help remarking it to some of my people. When the chimes went three quarters after nine, I shut up my shop."

Here, then, was one inquiry, however narrow, on which to build another; and it had fallen into the hands of an able Bavarian magistrate; with him it became "*lux e tenebris.*" He thus wove his chain of conclusions.



From the scanty data supplied, it was clear that the murder must have been committed after nine o'clock; and inferentially, by a guest or guests, who remained in the house when the girl went to the baker's. Moreover, the two rolls being found at no great distance from the street door, it was plain that she had been attacked by the murderer, whoever he was, immediately after she had crossed the threshold, when in her fright she dropped the rolls and flew to the further end of the room, where the deed was finally completed.

It was no less evident that the master had been the first assassinated, since, from the various indications already mentioned, he must have been struck down while sitting at his usual place by the stove, with his pipe in his mouth. Had he been still in life at the time the murder of the girl was going on, he certainly would not have remained quiet on his stool waiting his turn to be assassinated; for he must have heard, if he did not see, the tragedy in progress, as there was not only a door of communication between the two rooms, but a window also looking into the further end of the shop. Further, it might be safely concluded that he had met his fate in the interval between Anne's going to, and returning from, the baker's; and that the bloody deed could not have occupied more than five minutes, the distance between the two houses being only about a hundred paces. This inference as regards time, was confirmed by another circumstance: so long as the glass door remained, it was quite impossible for any one to have hidden himself in such a manner as to have fallen unawares upon the girl when she entered; but it now came out that the glass-door had been taken down, and the wooden door replaced in the girl's absence. This was proved by the testimony of a man that lived directly opposite, and who, hap-

pening to look out into the street, just then, was much surprised to see Baumler's shop closed at so early an hour, when it was his usual practice not to shut up before eleven. No doubt this had been done by the unknown assassin after he had committed the first murder; and he then hid himself behind the door to await the return of the maid-servant. It appeared too that he had not been actuated by that natural and almost universal impulse, which leads men, when not hardened in crime, to hurry from a scene of this kind with as much speed as possible. On the contrary, he must have lingered in the house of murder, with no companions but his bleeding, blood-stained victims, for at least an hour, if not longer. A cobbler, passing through the street at a quarter past ten, saw a light burning in the first floor, while the window over the closed shop-door was in total darkness. In all probability the murderer was then employed in examining the different chests and drawers for money; his lengthened stay showing how coolly and systematically, until some alarm hastened him away, he did his work—how indifferent he was to the close neighborhood of a scene which at such an hour and in such complete loneliness, might have shaken the nerves of a brave man, even though not burdened with a consciousness of guilt. All indeed served to show that the assassin was a bold, determined villain, and that he had committed both murders with an unhesitating hand, allowing his victims no time for defence or cry. Had there been any unusual noise, any protracted struggle, it must have betrayed him under all concomitant circumstances; the hour was too early for the neighbors in general to have been asleep—many must have been up; and of these surely some would have heard the cries for help, if the assassin had not completed his work with almost

a single blow. Moreover, two men were keeping watch over a waggon at no great distance from the house, and if every one else had slept too soundly to be disturbed, it is quite impossible for them not to have been roused by any unusual sounds, especially when, as the baker's wife asserted, the silence was so profound as to be observable. Here, then, was a clue to the character of the perpetrator, which might prove of no little use in his discovery. It was an inkling of light which a judge of singular penetration would be sure to turn to good account in probing the various objects of suspicion.

The medical examination of the bodies presented some other indications of no less importance in carrying out the inquiry. And first of the maid-servant, Ann Catherine Schutz. Nothing could well be more horrible than the state in which she was found. The bones of the right cheek were broken in; the upper and lower jaw, as well as the bridge of the nose, were smashed, and, upon removal of the brains, a fracture of the occiput was discovered, extending to the very basis of the skull. Externally, upon the neck, between the breasts, and on the fingers, were various abrasions of the skin. Further examination showed that the breast bone, as well as the third and fourth ribs, were broken, while the third rib was torn from its cartilage.

The body of the master exhibited as many and as startling acts of violence. But it is unnecessary to further pursue the revolting details. Enough has been told to show how the murder must have been effected, and its determined brutality, and hence to confirm that view of the assassin's character, which had been inferred from previous circumstances.

A still more important deduction was made from the appearance of the wounds. The surgeons agreed that the fractures

of either head could only have been caused by some heavy iron instrument, wielded by a strong hand; it must also have had a broad surface, with angular edges, in all likelihood a woodman's axe, and the blows were struck with the back of it. As regarded the wounds in the breast of either body, these were not sufficiently severe to have been occasioned by so formidable a weapon; the probability rather was that they had been produced by stamping violently upon the bodies.

The evidence, already noticed, of the baker's wife, led to the conclusion that the murderer must have been some one who, on the fatal evening, had been a guest at Baumler's. All, therefore, who had visited the house at that time, were called before the magistrate and examined, when it appeared that a stranger had entered the shop at an early hour, and had still remained, smoking and drinking brandy and cloves when all except himself went away. This was at nine o'clock. The witnesses agreed in describing the unknown guest as a man about thirty years of age, of dark complexion, black beard and black hair, and as wearing a high, round, beaver hat. Most of them, though not all, declared—which afterwards proved not to have been the case—that he was dressed in a dark-blue frock coat. Their account was not unanimous in another respect, so hard is it to get at the most simple facts, even when eye-witnesses give evidence without the least intention of concealment. One declared that he had talked with the stranger about the hop trade, and such matters, when he found him a shrewd, well-spoken man; the rest described him as a person who sat with his hat pulled over his eyes, and very seldom spoke at all. According to the first witness he gave himself out for a dealer in hops, who was waiting at Baumler's for his companion, who had gone to the play-

house. The tumbler, which had been found on the table, and was brought forward by the police, bore, by universal consent, a close resemblance to the glass out of which the stranger had drunk his brandy.

The suspicions of the magistrate were now directed to a certain Philip Forster, who had very recently been discharged from the house of correction, and who had been observed, for some days previous to the murder, loitering in a very doubtful manner in the neighborhood of Baumler's shop. The police were in consequence despatched to search his house, and bring him before the magistrate. The result was that they apprehended him with two bags of gold in his possession, though he and his family were notoriously in abject poverty.

On his being carried through the streets, he was recognised by the servant of a publican, as having seen him under somewhat peculiar circumstances. He had come, according to this man's account, to his master's house, on the twenty-first of the month at about eight o'clock, dressed in a dark-gray frock coat. After staying for an hour he went away, but soon returned in a dark-blue surtout, when he gave the servant, to keep for him, a brown coat, which he carried under his arm, saying, "Take great care of this, and mind you let no one see it. I shall come back for it in eight days."

The appearance of Forster answered in every respect to the description unanimously given of the mysterious stranger. He was thirty years of age, had a brown complexion, his hair and beard were black. Suspicion being thus strong against him, he was, according to the solemn custom enjoined by law in Bavaria, conducted to the house, where both the bodies lay in their coffins upon tressils, their faces uncovered, and the rest of them shrouded in their blood-stained garments. The



coffins stood just so far apart as would allow of any one passing between them. And here Forster was placed, with the dead on either side, a solemn silence prevailing around, and the eyes of all present fixed earnestly and anxiously upon him. But his face betrayed not the least emotion.

He was told to look on the faces of the murdered.

He did so, long and steadfastly.

"Do you know this corpse?" asked the magistrate, indicating the body of Baulmer.

"No; I know him not; he is too much disfigured; I know him not."

The magistrate pointed to Catherine—"Do you know this girl?"

"No; she is fresh from the grave; I know her not.

"And why do you infer that she has been ever buried?" demanded again the magistrate.

He pointed, with his finger at some distance from it to her forehead—"Because she is so disfigured; her whole face has fallen in."

When called upon to point out the part which seemed to him so much disfigured, he passed his hand over the crushed skull and broken nose of the murdered girl, and said—"Here; you may see it here."

All this time his cheek blanched not, his lips kept their color—there was not the slightest quiver of any muscle. Of all within that room he was the only one who could look upon the scene of death unmoved, and even with such insensibility that he stood a being aloof and separate from all the rest. This very isolation would seem to mark out the murderer. The magistrate, urged on by his growing convictions, ordered him to take the hand of either in his, and say what he felt

He did so without the least hesitation—"Yes, they are cold: aye, cool as my own look;" an answer that no doubt conveyed a lurking sneer at the magistrate's question. Yet icy cold as was his face throughout, he spoke in a gentle, almost sanctimonious tone of voice, while his whole manner was perfectly calm and collected. A marble statue could not have been more impassive.

Little was gained by this examination as to legal certainty, much as to moral conviction. Philip Forster had overplayed his part, the general failing of men who are less wise than cunning. It was not natural that he alone should remain so utterly unmoved at a scene which affected every one else more or less, and this brought a silent conviction to the minds of all that his indifference was merely assumed under the mistaken idea that it would remove suspicion from him. It was just the same with his pretending to believe that the fractured state of the skulls arose from their having decayed in the grave; such a belief was manifestly impossible to any except a child, and the pretence only served to impress all with the notion of his guilt. The magistrate, therefore, feeling that he had before him the real, though unproved, perpetrator of the murders, henceforth bent all his enegies to one point, being assured he was now marching in the right direction. Strict inquiries were instituted into the previous habits and connections of Forster, and the results in every case were unfavorable to the object of his suspicion. His father was a poor day laborer, living in the suburbs, with two daughters, Walburga and Catherine. Philip Forster himself had been brought up as a gardener, but had long since relinquished the occupation; he was drawn for the army, but conducted himself so badly, that after having been once flogged at the drum-head, and

after having thrice run the gauntlet, he was at length expelled with ignominy from the ranks. When free from this, to him galling servitude, he occasionally worked as a day laborer, his principal means, however, being derived from fraud and robbery in all its forms. A case of detected house-breaking led to his being condemned to a three years' imprisonment.

All this, though it legally proved nothing, yet showed a man likely enough to commit murder, and sufficiently hardened to act in the presence of the dead as Forster did. One like him of lost character and abandoned self-respect, degraded by public stripes, and unstained for years by robbery, would hardly hesitate at murder; nor would one that had been present, as Forster had, at two or three battles, be likely to shrink at the sight of his victims in their cere-cloths. Other circumstantial proofs gradually came forth as the inquiry went on. Two men, who had been drinking at Banmler's on the fatal evening, were positive that they recognised in Forster the mysterious guest they had before described, though he had since then shaved off his whiskers and maustachios. The rest of the party would not indeed go quite so far as this; they could not be positively sure, but the resemblance was certainly striking.

The examination of Margaret Price, the woman with whom he lodged, brought another fact to light, that bore strongly, but indirectly, on the case. On the 21st he came to her in a new blue frock-coat, instead of the old brown one he had on when he left her a few days previously; and other parts of his dress had also undergone a change for the better.

Next, a pencil maker, who lived in the same house with Philip Forster's father, came forward to depose that, on the night of the murder, Philip called there and had a long con-

versatinn in private with his eldest sister, Walburga, and with the old man. It was also proved by the evidence of the owners of the barn, in which Philip declared he had passed the night, that he had never been there at all.

The murder, according to the soundest opinion, must have been committed with an axe, and now came to light another important fact in complete harmony with that supposition. A girl, who was intimate with Philip's sister, had, in passing through the churchyard, seen Catherine, the younger of the two, talking with Forster there for several minutes, after which she went, as it appeared, to fetch Walburga. Between the three also ensued an earnest whispering, and Walburga went back to the house and returned with a woodman's axe, carrying it under her arm as if to hide it. Upon the girl's asking what she had got there, Walburga no longer attempted concealment, but carried it more openly, and going up to her brother, said aloud, "Do me a favor, will you? Take this axe to the city and get it ground for me."

The day following, the same girl again met Walburga, who told her of Baumler's murder. At the time she was carrying a basket, in which were her brother's shoes newly washed and cleaned. He had given them to her, she said, having bought a new pair for himself.

The evidence of this girl led to a search in the old man's dwelling, when a woodman's axe was found, which she immediately recognized for the one she had seen given by Walburga to her brother. Even now there appeared a moisture of a reddish color upon the handle just where the iron was let into it.

Walburga, upon being closely questioned, admitted that her brother had borrowed it of her, but it was for a purpose less

wicked than murder, viz., for a burglary only: he had afterwards returned it, saying that he had not been over lucky in the business. Upon a second examination, however, she confessed that Philip had said to her, "I have done a bad deed—a great enormity—I have committed a murder. Fetch my father here directly; I am going hop-picking. The boots and the axe you must wash, and put away, that no one may learn any thing about them."

The surgeon declared that the red moisture on the handle of the axe was blood. Similar stains were also found on Foster's coat and trousers.

Enough had now been discovered to justify sending the matter to a higher court. But in the solitude of his dungeon the prisoner had found leisure to reflect that it would be better to admit a number of small facts, which were too strongly proved to be further denied, and he could invent a story that might account for the remaining appearances against him, while it gave a reasonable ground for suspecting other persons. Having combined a very plausible tale for this purpose, he requested to be again brought before the judge, when he delivered his narrative with much fluency. In sum it amounted to this. He was wandering in a melancholy mood, his mind half made up to go to Bohemia, and enlist there for a soldier, when he was met by two hop-merchants. Seeing his destitute condition, they compassionated him, and offered to take him with them to Bohemia, whither they were going with a parcel of hops, and where, as they had many friends, they might get him into a situation. Meanwhile he must wait for them at a cousin of theirs, a chandlers, by name Baumler who lived near the church of St. Lawrence. He agreed, and after having been to several places,—of



which he gave a true enough account,—he thought he would go and take leave of his sister Walburga before he left the country. He had done so, and at parting she gave him the axe to get ground for her at a certain place where she herself would call for it. This he promised to do, but in his way he again met the hop-factors, when they sent him with a letter to the post, offering to take care of the axe while he was away. On his return, however, he could see nothing of them, so he went on to Baumler's, as the most likely place of meeting them. At a little after nine, when all the other guests had left, the two factors made their appearance, and, having greeted Baumler as their cousin, despatched him to wait at a certain place for the coming of their wagon. In a short time they joined him, one having a white parcel under his arm, and both together carrying a box. The wagon now came up, and he rode for a time with them, but they had not gone far, before, to his great surprise, they stopped, saying that as they had made a lucky hit they should give up all idea of going to Bohemia. To show, however, that they meant him well, they would make him a present to help him on in his own country. With this the white packet was handed over to him, and at the same time they returned him his axe. After he had left them he opened the parcel, and found it contained gold, a frock coat, boots, and some other trifles—all the property, in fact, of Baumler, that had since been found in his (Forster's) possession.

During the telling of this story, which with the interruptions of the judge's questions, and the answers, lasted full six hours, Forster never once sat down, but declined the stool offered him, as if he prided himself upon holding out untried both in mind and body. The fluency with which he delivered

himself was wonderful; there was neither stop nor hesitation of any kind till some sudden and close questions about the hop-merchants seemed to take him unprepared; he then began to speak more slowly, took time to consider, and—what he had not done before—avoided the searching looks of the magistrate. Of course, when inquiries were afterwards made in all directions for these hop-factors, they were nowhere to be found; but the tale had nevertheless to a certain extent answered his purpose; it had plausibly accounted for the most suspicious appearances against him, showing it was at least possible they might be unfounded. He had besides set the inquiring party somewhat at fault by giving a double object of investigation, just as when dogs are diverted from the game first started by a fesh scent crossing their path. Those who were even least inclined to absolve Forster, began to think that he must have had companions, and this alone rendered his exact share in the crime a very doubtful matter; it was possible he might not have been the principal actor.

Thirteen long and harassing examinations did Forster undergo, without making the slightest deviations from his tale first told, and without evincing the least symptoms of fatigue. The depositions of his sister he met with calm and steady denials. He had ready probable if not convincing reasons for the blood-stains in his clothes. Nothing embarrassed or entangled him; his voice always remained the same—calm, subdued, and even gentle—though at times a closer question than usual, like the harpoon when piercing through the protective covering of a whale, would evidently be wincingly felt. On such occasions his hands would tremble, his lips lose their color, and his eyes roll wildly, but the emotion always passed quickly away without having led him to betray himself. If

the judge objected to him these emotions as evident signs of a consciousness of guilt he would reply simply and naturally, "an innocent man may be more easily surprised than one guilty; the latter knows what he has done; the former is confounded by doubts, which he is well aware are false, but which he cannot refute."

In general Forster veiled his obduracy under the show of a pious and humble spirit, submissively resigned to a fate it had not deserved, yet could not alter. Thus at his last examination he said, "I see well that I shall never get over this unless the hop-merchants are discovered. I can therefore only pray God to enlighten my judge, that he may learn to distinguish between the blameless and the culpable, between what is possible and what impossible. Guilt and innocence are difficult to sever, and I am not in a condition to establish the fact of my having had no share in the crime imputed to me."

He could say this and persist in it, in private, and before the judge; yet all the while every one felt morally convinced that he had not only done the murder, but done it with much forethought and deliberation. From his speeches to various people, though he now denied them when brought against him, it was plain, that even while in the House of Correction, he had made up his mind to acquire a sudden fortune; he avowedly longed for the absolute enjoyment of the luxuries of life, and the power of unlimited debauchery and excess. He had also said, in the House of Correction, to his companions: "If, after getting out of this place, I should ever again fall into trouble, I will persist in denial though my tongue should rot in my mouth."

This course of hardened denial did not, on his trial, succeed in rebutting such proofs as were brought against him. He was

found guilty, but as the evidence was only circumstantial, not direct, he escaped the extreme penalty of the law. The Bavarian code does not allow the infliction of death in such cases. The judge sentenced him to imprisonment in heavy irons for life.

Such is the narrative of this affair of Philip Forster: the reader may think its details too minute and somewhat tedious, yet they must prove of deep interest to any one who would see how guilt and crime are unraveled by a process so widely differing from our own. In Germany, the keen and continual examination of the accused is the main reliance of the law: in England, the charge must be established irrespective of the prisoner whenever he chooses, since his reserve and silence are absolutely in his own discretion. The one system marks the inquisitorial, though possibly advantageous, bent and disposition of a nation that is despotic; the other shows the spirit of a free people—invariably lovers of fair play, who will rather give guilt a chance of immunity than do aught which may bear the semblance of undue craftiness or oppression. The English law scorns to look to the prisoner's custody further than as a security for his presence until his culpability or his innocence be established. Our prisons allow no torture of the body—no torture of the mind. This may, on some rare occasion, help the acquittal of the accused. What then? It is a sacrifice made by English justice at the shrine of liberty in favor of the honesty and straightforwardness of purpose which, amid all the solecisms and barbarisms of its feudal origin, have ever characterised the very old-fashioned but now happily improving system of British jurisprudence.

Of Philip Forster little remains to be said. After sentence he passively but sternly submitted to his lot. When first im-

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mured in his life-long prison he would amuse himself polishing the fetters he wore until he made them glitteringly bright : he would also tell tales of robbery and adventure to his fellow-prisoners. Latterly he changed his habits, and adopted Iago's plan: from that time forth he never would speak a word—not even to pray. At no moment has he aided, by a single admission, the conclusions drawn by justice relative to the crime of which he was convicted. The revelation of this famous Nuremberg murder must therefore rest alone on the satisfaction resulting from magisterial search and research—examination and re-examination, pertinacious, skilful and unsparing.



## AN INJURED HUSBAND'S REVENGE.

The heart of Ellis bled ; the comfort, pride,  
The hope and stay of his existence died ;  
Rage from the ruin of his peace arose.  
And he would follow and destroy his foes ;  
Would with wild haste the guilty pair pursue,  
And when he found, good Heaven ! what would he do ?

\* \* \* \* \*

Oh ! it should stand recorded in all time  
How they transgressed and he avenged the crime !  
In this bad world should all his business cease,  
He would not seek, he would not taste of peace ;  
But wrath should live till vengeance had her due,  
And with his wrath his life should perish too.

CRABBE.

THE following tale shows how much of the romantic and the awful lies buried in the neglected records of public justice. Here is a true transaction at the conception of which the imagination of dramatist or poet would have paused. Shakespeare made Othello kill Desdemona, not while in a state of imploring repentance, but when, as the jealous assassin thought, she was in the very course and hardihood of her sin, insulting him by a denial of her palpable guilt. Crabbe's rustic husband, betrayed by her whom he so fondly doted on, rushes to vengeance, but when he has it in his grasp he draws back: he is a Christian, and he stands softened and forgiving in the presence of the woman taken in adultery—in view of the extreme

misery that has fallen on her who was his all in his affection and his despair :

“ Tell him not then of rights, and wrongs, or powers,  
He feels it written—‘ Vengeance is not ours.’ ”

But here, in an humble tradesman, carrying on business in a minor street of the metropolis, living the ordinary life of his class, we have a far more harrowing instance of the wronged husband's vengeance. Here, all Christian feeling—all common humanity is cast aside, in the one solemn pursuit of sanguinary vindication, and that, by a man whose kindness and gentleness of disposition are proverbial. The spirit that moves him, absorbed in its one fell object, would have done well to embody the fate that is the mainspring of a Greek tragedy. And then the wife, regardless of space and suffering in the energy of her remorse, receiving the mortally intended wounds as a just punishment—in her hope of forgiveness kissing as she falls the very hand that stabs her. Verily, this is a romance to be elicited only in the forum of public justice. The story needs no amplification nor adornment. Let us take it simply as recorded in the annals of the police office and the Old Bailey.

Mr. Stent was a respectable butcher, residing at Pimlico, and at the time of the elopement of his wife was about twenty-eight years old; his wife twenty-six; and they had been married about seven years. They had lived in the greatest harmony and comfort, Stent himself being of a remarkably mild and tranquil temperament, dotingly attached to his wife, and displaying on all occasions towards her an excess of fondness.

A person named Sweeting, who resided in the adjoining house, was upon terms of intimacy with Mr. and Mrs. Stent,

frequent visits passing between them. By what means he first acquired an influence over the mind of his wretched victim does not appear, but the following is a specimen of the arts which he used to complete his triumph, and to induce her entirely to desert the man who loved her so well.

A short time previous to the elopement, Mrs. Stent had been ordered to go into the country for change of air. She was in consequence sent down to the house of an uncle of her husband, a farmer, within three miles of Uxbridge. While in this situation, she was repeatedly visited by Sweeting, both publicly and privately, and from thence he endeavored by every possible argument to induce her to elope. Still, however, the unhappy woman resisted his importunities. In order to work upon her mind, and to incline her to place a more implicit belief in the strength of his unnatural affection, he went through the farce of hanging himself to a tree in the neighborhood, as if in despair at her cruelty. From this perilous situation he took especial care to be providentially relieved; and he was still bent upon an imaginary death, and pretended to quench the flame by which he was devoured in the canal; but here, too, he contrived to be rescued from the crime of self-destruction. These feats were performed anonymously; he would not disclose his name, or the cause of his contempt of life; but he took care that Mrs. Stent should not remain in ignorance of the ordeal through which he had passed. At length the woman became so alarmed by these occurrences that she returned to town. In a few days afterwards she fled from her husband; and her fate remained involved in obscurity, except that there was no doubt Sweeting was the partner of her flight, as he had disappeared from his home about the same time. On the evening previous to

the morning of the elopement, Mr. and Mrs. Stent were invited to meet a party at Sweeting's house: Sweeting, after tea, engaged Stent in a game of cards, while Stent's wife returned home, packed up all the moveables on which she could lay her hands—clothes, plate and money—and took them to another place. After she had accomplished this object, she returned and finished the evening in the most convivial manner. The next morning she eloped. About three weeks after, Sweeting came back to his wife in the dead of night, and demanded what money she had in her possession. She denied that she had any; but he declared that she had, and insisted upon having it. The poor woman urged the proximity of her confinement, and the calls of her other children. He was, however, deaf to these arguments; he shut the door, and from her stays ripped sixty pounds, with which he went off. The unhappy wife of this villain soon afterwards gave birth to a child, and from the agonies of her mind became raving mad. Her neighbor Stent was sent for, to assist in clothing her in a straight waistcoat, and in an hour afterwards she died in his arms. Her death was soon followed by that of her helpless infant.

Meanwhile the guilty Mrs. Stent and Sweeting fled to France, whence it appears they returned to England very soon afterwards, and then sailed to America. There Mrs. Stent found that she was a dupe. Sweeting treated her in a ruffianly manner. The moment of remorse came in terrible force upon her. Her penitence led the wretched woman to a bold decision. She resolved to return home, to throw herself at the feet of her injured husband, and to implore him to let her make some atonement for the deep and irreparable injuries she had committed. She left America, and on her arrival at Liverpool, she took the stage to London; and being set down at

the Saracen's Head Inn, Snow Hill, retired to a room, from whence, in a kind of frenzy of conscious guilt and despair, she addressed the following letter to her husband :—

“ August 5, 1819.

“ HENRY,—You, no doubt, will be offended at my writing to you, one that I have used so ill ; but believe me, I have considered of my crime, and will repent, if possible. O Henry! I have suffered more than I can tell you in crossing the seas; there was nothing but storms and trouble, and the ship was lost. But you, perhaps, already know that I have put my trust in God for safety in crossing them again, and have got safe to England once more, to throw myself at your feet, and implore your pity, if you cannot pardon me; but oh! for one moment consider before my doom is fixed. Indeed, I am penitent, and sorry for my sins, and hope you will hear my prayer for mercy, as well as that God whom I have offended. But if my story was told by any other than me, you would see what a villain he was. If you find you cannot forgive—but oh! that thought makes me tremble—do not let my dear father and mother know you have heard of me, for that would bring their trouble afresh to their minds, (that is, if their lives are spared,) and I hope I have not got that to answer for.

“ All I wish is to pass the remainder of my days in obscurity, or in the workhouse, if you think proper, or in any other place; do not desert me, for God's sake, do not. I have come from America, landed on Tuesday morning, and at night left Liverpool; and this morning got to the Saracen's Head, where I shall await your answer with the greatest distress. If you please to let me have some of the clothes I left, as I



have not a gown to wear. O Henry, think well before you say what shall be my fate: only ask your own heart. Do not tell anybody that you know of my being in England, but think what a journey for a lone woman to take. I do not know when you will get this, but, if you can, let me know to-night what is to be my lot. Indeed, I will be content on bread and water, if I can but obtain your forgiveness. O Henry, be not deaf to my prayers; I know it is a crime I have often heard you say you never would forgive; only write to say you will pardon me, and do what you like after; but do not let any of my friends know that I have wrote to you. Grant me that request, if you cannot grant any more. Let me know, for I had only £2 5s. to bring me to London.

“One o'clock.

MARIA STENT.”

Stent had deeply felt the wound that had been inflicted on him, the effects of which still rankled in his heart. He had experienced all the more, from his former devotion, the desolation of his domestic fire-side. He hurried to the inn from whence his wife had despatched the letter; was shown into the room wherein she was sitting, and instantly commenced, knife in hand, a fierce attack upon the person of the woman. Her screams of terror and cries for mercy were heard by the attendants who rushed in and saved her life, although she was dreadfully cut and mangled in the encounter.

The fury of the husband satisfied, he calmly surrendered himself, and was conveyed to the Giltspur Street Compter, whence he forwarded the following letter to his sister :—

“DEAR ELIZA,—I have been at the Saracen's Head, and seen Maria, and from what has passed between us, I am now

in Giltspur Street Compter. I must leave it to you to break the matter in the best way you can to our dear father and mother.

HENRY STENT."

On the back of this was written, "I have stabbed her, but would not put that on the other side for fear of shocking you too suddenly. It is of no use to come to-night, as you cannot be admitted, but shall be glad to see some of you in the morning."

Mrs. Stent did not die of the wounds. She was carried to St. Bartholomew's Hospital, and in some weeks' time she recovered sufficiently to appear as a witness before the police-office examinations ended.

The morning after this dreadful assault, Stent was brought up before the sitting magistrate, at Guildhall, for examination, and the following particulars were given in evidence, together with the details of the conduct of his suffering and repentant wife.

The first witness called was Thomas Pithouse, waiter at the Saracen's Head, who stated that the woman came to the inn by their Liverpool coach, between ten and eleven o'clock on Thursday morning, had breakfast, and desired to be furnished with paper to write a letter. She wrote one, which was sent by a porter to Pimlico. She remained within doors the remainder of the day; and about half-past six in the afternoon, after she had had her tea, the prisoner arrived, and on inquiring for Mrs. Stent, was shown into the room to her; there were no other persons in the room but themselves. Shortly after, he (the witness) being in the passage leading to the back yard, heard a violent shriek, and immediately a second; and before he and his fellow-servant could get to the

room door, a third; they both rushed into the room; his fellow-servant was first, who immediately cried out, "Thomas, the man has got a knife;" the woman at the same time cried out, "Oh, he will kill me!"

His companion then made a snatch to get the knife, but missed his hold; the man then altered the direction of the knife, and grasping it full in his hand, stabbed the woman with great violence in the throat. He then said, "I have accomplished my purpose; I wish for nothing but to suffer; I know I shall suffer." The wife replied, "Yes, you have, Henry, and I freely forgive you; come and kiss me." The prisoner then knelt down and kissed her twice, which she returned, saying, "I hope the law will not lay hold of you; you are the best of husbands, and I am the worst of wives, and I hope my fate will be a warning to all bad wives." She was then taken on a shutter to the hospital, and in her way thither she was continually calling on her dear Henry, wishing him to kiss her, and begging him to give her his hand. One of the persons attending took hold of her extended hand, which she then closed most affectionately, saying, "God bless you! I shall now die happy!" mistaking the stranger's hand for that of her husband.

At this part of the evidence, which was given with much feeling on the part of the witness, the prisoner's fortitude seemed to be quitting him, his lip quivered, the big tear stood in his eye, and his whole countenance evinced that he was greatly agitated and affected; but after a short interval he recovered his composure.

Thomas Turner, the porter, said he was the first person in the room; he saw the wife on her back on the floor, and the man kneeling on her. On his coming in, the man rose up, and

he, (the witness,) perceiving he had a knife, drew back, and before he could get to the prisoner to seize him, he stabbed the woman in the neck, as described by Pithouse; he then said, "Don't be alarmed, I will not hurt any of you; I have accomplished my purpose:" he then let the knife drop from his hand. On the witness observing to him, what a rash man he was to commit such a deed, and that he had signed his own death-warrant, the prisoner replied, he was perfectly satisfied; she had been a base woman; on which his wife said, "Indeed I have, I freely forgive you, and hope no harm will come to you." This witness also corroborated Pithouse's account of the scene that subsequently took place between the husband and wife, and the expression of penitence and affection used by the latter while being conveyed to the hospital.

Hodson, an assistant in Giltspur Street Compter, was sent for to take the prisoner. On his entering the room, Stent immediately said, "I am the man," and surrendered himself without the smallest resistance. On searching him there were found only a few shillings, part of a razor-case, which he had used as a sheath for the knife while in his pocket, and the letter which he had received from his wife in the morning.

Hodson also produced the knife with which the deed was done.

This being the whole of the evidence at that time to be produced, in the absence of Mrs. Stent, the prisoner was asked if he wished to say anything for himself, on which he bowed respectfully to the alderman, and simply replied, "No, Sir." He was then remanded.

On a subsequent examination at Guildhall, George King, a waiter at the Saracen's Head, stated that Mr. Stent arrived at about half an hour past six. Witness was the first person

that saw him; he inquired if there was not a young woman there who came by the coach from Liverpool? Witness replied in the affirmative, and showed him into her room: there was no one else in the room but herself. On his opening the door, Mrs. Stent, who was sitting in a far part of the room, immediately rose from her seat, and came to meet her husband. Witness heard nothing that passed then, for he shut the door directly and retired. He then proceeded to state, that he heard the shrieks in common with his fellow-servants, and ran to give assistance. He saw no blow struck, but observed the bloody knife lying on the floor. He also corroborated the other witnesses in their account of the expressions of self-accusations which fell from Mrs. Stent. He left the parties in care of his fellow-servants, and went to the Compter for an officer.

The porter who took the letter was in attendance; King said, all that he knew was, that he took the letter from Mrs. Stent, who asked him if he thought it would be delivered that night.

The prisoner maintained his usual composure throughout; but his brother, who stood near him, was greatly affected. Such general interest had this unhappy affair excited, that a considerable crowd was assembled in the Guildhall yard before eleven o'clock in the morning; the justice-room was filled with persons of respectability, and the outer doors of the office were obliged to be kept shut during the examination, to prevent further crushing. The prisoner was conveyed from and to the Compter in a coach, accompanied by his brother and his cousin.

Both Mrs. Stent and her father declared their intention not to further the prosecution. This, however, could make no



difference as to the course of justice; for Stent's was a crime in which the sovereign became the prosecutor. The attendance of Mrs. Stent as a witness was compulsory.

At the last examination, Mrs. Stent, being in a convalescent state, appeared to give evidence. Alderman Smith addressed her with great feeling, and informed her it was necessary she should be sworn. She replied mildly, but firmly, "Very well, Sir." The oath was then administered. She then stated, in answer to the different questions put to her by the alderman, that she was the wife of the prisoner; that she arrived in London from Liverpool on the day in question; that she wrote a letter to her husband, and that he came to her at the Saracen's Head about six o'clock in the evening. In answer to the question, "What happened after her husband arrived," she replied very distinctly, that she was so agitated on seeing her husband that she could recollect nothing after she saw him, till she found herself undressed in the hospital. In telling her story, she was particularly guarded in not saying too much, making no extraneous observations, but confining her answers strictly to the questions, and frequently giving them in a single word: as, when asked how she found herself when she came to her recollection, she replied, "Wounded." When asked, "Where?" she said, "Principally in the neck." She persisted, when re-questioned, that she had no recollection of anything that passed in the interview with her husband.

Mr. Alderman Smith, addressing Mr. Beecher, Mrs. Stent's father, said, much as he might regret the circumstances, a serious crime had been committed; and it was necessary some person should be formally bound over to set the prosecution in motion. Mrs. Stent, being a married woman, could not enter into the recognizance; the nearest kinsman was the person

generally looked to; and if Mr. Beecher stood in that relation, he wished to know if he was willing to be bound over. Mr. Beecher replied, if it became necessary that he should be so bound, he regretted it much; it was a most unfortunate business, and he had no wish to pursue the husband. Mrs. Stent, bursting into tears, laid her hand on her father's arm, and said, in a most beseeching tone, "Don't you, father." Mr. Harmer, the eminent solicitor, to whom the father seemed to look for advice, said, "You have your option." On which Mrs. Stent observed still more earnestly, "Then, don't you, father." On which Mr. Beecher declined altogether, and the officer who took the prisoner into custody was then formally bound over to insure the prosecution.

Mr. Beecher was asked by the magistrate if he would enter into recognizance for the appearance of his daughter; he replied, he would be answerable for her forthcoming.

Mrs. Stent was permitted to withdraw into the parlor with her father and sister. Shortly after, Mr. Harmer brought a request from her to the alderman, to be permitted to see her husband for a few minutes before he was sent back.

Mr. Alderman Smith said, he could not refuse such a request, only he feared the agitation it would occasion to both of them. Mrs. Stent again begged, for God's sake, to let her speak to him for a minute. The magistrate said it was painful to deny her, but he thought it would be too much for the feelings of both of them; she should have permission to visit him at the Compter, with which she appeared more content, and shortly afterwards returned in a coach to the hospital.

The alderman, addressing the prisoner, told him it was the opinion of his solicitor that he should not say anything in his defence at present. The magistrate had every regard to his

feelings in the painful situation he was placed in, but he must be committed for trial. His wish, however, to remain in the Compter till the session commenced, should be complied with. The prisoner then bowed respectfully, and was removed from the bar.

During the whole of this painful examination, the prisoner maintained his usual composure, which was not in the least altered on the appearance of his wife. The only period at which he showed any agitation was during the reading of that part of Pithouse's evidence, where he described the affecting conduct of Mrs. Stent while being carried to the hospital. The prisoner had been much affected at the time this evidence was given originally. He expressed no further resentment against his wife, but desired never to speak to her or see her again, and wished the officer to let him stand down while she was present, that he might not be forced to look upon her.

Although very strongly urged and recommended by her friends to delay her interview with her husband until they were each recovered from the agitation of the long final examination, such was the anxiety of Mrs. Stent to visit him, that she could not be persuaded to delay, but insisted on stopping at the Compter on her return from the justice-room to St. Bartholomew's Hospital.

The Governor of the Compter readily complied with her request, but with the condition that the interview took place in his presence, and that her husband consented to the meeting. Mr. Stent was accordingly informed of his wife's desire to see him, and replied he had no objection, but wished that some friends he had with him should also be present. Mrs. Stent was shown into the committee-room, where her husband and his friends were also immediately introduced.

On his entrance she seized his hand, kissed him very affectionately, and inquired with great apparent eagerness after his health, and how he had borne his confinement. He replied to her with kindness and affability, but seemed carefully to avoid anything like the appearance of reviving affection. The struggle with himself was evidently great, while she pressed his hand and moistened it with her tears. After some further conversation, in which she informed him she had been much fatigued in the hospital by the kindness of numerous friends, and the visits of other persons from curiosity, and that she meant to go home to her father's, she asked his permission to see him again; to which he replied he had no objection. She then again kissed him and took her leave. By nine o'clock the next morning she was at the Compter, and saw her husband; the interview was short, and at her departure she obtained his consent to her returning to the prison. At neither of these visits did Mrs. Stent venture the slightest allusion to her own misconduct, or her husband's severity; she seemed well aware that he still remained too much irritated against her; she wished to accustom him to the sight of her without resentment.

Stent, agreeably to his own request, remained in the Giltspur street Compter, in the interval between his commitment and trial, where he conducted himself with the greatest propriety; devoting nearly the whole of his time to reading and devotional exercises. He, however, occasionally engaged in imparting instruction to his less-informed companions in prison. Upon the whole, although his firmness never forsook him, he maintained a dejected spirit. He was constantly visited by his wife, who gradually advanced to a perfect state of health; but on no occasion whatever did he evince the slightest desire



to renew his confidence with, or unbosom his feelings to her; in fact, he occasionally directed that Mrs. Stent should not be admitted to him.

On the 17th of September, 1819, he was put upon his trial at the bar of the Old Bailey.

The court was crowded, and particularly with females. The prisoner was capitally arraigned, upon an indictment, charging him with having inflicted divers wounds upon the person of his wife, Maria, on the 5th of August previous, with intent to murder her, or to do her some grievous bodily harm. He pleaded not guilty. Sir William Draper Best, then a judge of the Court of King's Bench, presided. His lordship examined the witnesses for the crown himself. When he called Maria Stent, the wife of the prisoner stood up in the witness-box, and was sworn. She was plainly dressed, and wore a large Leghorn hat, which tended much to conceal her features: she seemed to be greatly agitated.

Mrs. Stent, on being addressed by Mr. Justice Best, entreated that she might not be asked to give evidence against the best of husbands.

Mr. Justice Best.—I am extremely sorry to give you pain; but I am obliged to put some questions, which it will be your duty to answer. Is your name Maria Stent?—Yes.

Is the prisoner your husband? Look at him. (Here the witness turned towards the prisoner with a look of great anguish.)—Yes.

I believe you separated from him for some time?—Yes.

When did you leave him? On the 29th of August, 1818.

Where did you go to?—To France.

When did you return to England?—I returned to London in August, 1819, from Liverpool, and went to the Saracen's Head.



Where did the prisoner live at that time?—At Pimlico.

Did you send any message or letter to him?—I sent a letter.

In the course of that day did you see your husband?—Yes.

Where?—At the Saracen's Head.

What time of the day?—Between seven and eight.

As you recollect, state what passed.—I have no recollection of what passed.

Did anything happen?—Yes.

What do you first recollect?—Being in bed at St. Bartholomew's Hospital.

What was the matter with you?—I was wounded.

Where were you wounded?—In the neck.

Before you went into the room, had you any wound?—No.

Cross-examined by Mr. Alley, the counsel for the prisoner. —Your feelings overpowered you when you saw your husband, and you have not the least recollection of what happened afterwards?—Yes.

You said you did not wish to give evidence against the prisoner, because he was the best of husbands?—Yes.

(Here the witness sat down, and seemed extremely anxious to hide herself from public observation.)

The evidence of King, Pithouse and Turner, to the effect already stated in the examinations before the magistrates, was given; after which Mr. Justice Best informed the prisoner, that if he had anything to say in his defence, the period had now arrived for his so doing. The prisoner said he would leave his case entirely in the hands of his counsel.

A vast number of witnesses were called on behalf of the prisoner, all of whom appeared to be persons of great respect-

ability. They stated, that they had known him for many years, and had always believed him to be as kind-hearted, humane, and good-natured a man as any in existence, and a particularly affectionate and indulgent husband.

Mr. Justice Best proceeded to sum up the evidence. He deeply regretted the important and painful duty which, in the present case, devolved upon himself as well as upon the jury; painful, however, as that duty was, he felt no doubt that they would discharge it in a proper manner. The learned judge then explained the law upon the subject. From the evidence detailed, and which he should again read over to them, no doubt could remain on the mind of any unprejudiced person that the crime charged upon the prisoner came within the provisions of that most excellent act of Parliament introduced by the late lamented Lord Chief Justice of the King's Bench, Lord Ellenborough, for the protection of the subject's life. Though it did not come on in evidence upon the present occasion, the fact, however, might be fairly assumed, that Mrs. Stent, the unhappy woman who appeared before them on that day, had forsaken her husband, and had inflicted on him the most poignant anguish, the most acute suffering, that a man devoted to a wife could possibly endure. A considerable time had elapsed since the elopement of this woman, and on her return she manifested those symptoms of repentance—that appearance of returning affection—which might well be disposed to disarm vengeance, and prevent that ferocious purpose which the prisoner appeared to have deliberately contemplated. Even while her blood was flowing from the wounds he had inflicted, she still entreated him to kiss her, and in that kiss conveyed a pardon to her assailant. Under circumstances such as these, the law did not admit of excuse. Sufficient

time having been given for cool reflection on one side, and for repentance on the other, the law, proceeding on the same principle as the benign religion which it imitated, did not allow vengeance to be inflicted. After some further observations, which the learned judge delivered feelingly and impressively, he summed up the evidence at length.

The jury then retired, and after consulting for about half an hour, returned with a verdict of guilty, but recommended the prisoner strongly to the mercy of the Crown, on account of his good character.

Mr. Justice Best.—The recommendation shall certainly be forwarded.

A petition, most numerous and respectably signed, was presented to the Prince Regent, on behalf of Stent. His Royal Highness, in consideration of all the circumstances, was pleased to commute the punishment of death for one year's imprisonment.

THE DUKE AND DUCHESS OF PRASLIN.

*Emilia*—This deed of thine is no more worthy heaven,  
Than thou wast worthy her.  
. . . . Help! help, ho! help!  
Murder! murder!  
I will not charm my tongue, I am bound to speak.  
My mistress here lies murdered in her bed.

SHAKESPEARE.

THE family of Choiseul-Praslin is of origin almost coeval with the sovereign line of Bourbon itself. The old blood-royal of France flows in its veins. Raynard Sieur de Choiseul, Count de Langres, married, in 1182, Alix de Dreux, granddaughter of King Louis VI. Their descendants have been great for ages. Charles de Choiseul, Marshal of France, died in 1626, after having, in his country's service, commanded nine different armies, assisted at forty-seven engagements, and received thirty-six wounds. Stephen Francis de Choiseul, Duke of Choiseul and of Amboise, who died in 1785, was successively ambassador at Rome, at Vienna, Minister of Foreign Affairs, Minister of War, and Minister of Marine. His influence for good or evil had much to do with the destinies of France; for he it was who first subjected Corsica, the land of Napoleon, to French dominion, and who counseled the assistance given by King Louis to the colonies of America, when

achieving their independence under Washington. To this Duke of Choiseul the French navy owes its rise into importance. The duke, who died in 1817, wrote a celebrated, and, in its results, very effective, work on the emancipation of Greece. This then was the house, upon which its representative, Charles Laure Hugo Theobald, Duke of Choiseul-Praslin, was to cast a stain of the blackest die for ever. Despite of all antecedent glories, the name of Praslin cannot be mentioned in future without bringing remembrance of one of the most wicked and cruel, the most heartless and cowardly murders that bring additional disgrace to the annals of crime.

But the story needs no comment. The simple facts, as gathered from the various pieces of evidence adduced, are terrible and startling enough in themselves. To begin the narrative with the conjugal position of the duke. He was born in 1805, and, in 1825, he married Fanny, daughter of the late Count Frances Horace Sebastiani, a distinguished French general, since a peer and Marshal of France, by his wife Frances Jane de Coigny, sister of that Mdlle. de Coigny who inspired the unfortunate poet, Andrew Chénier, (already of record in this volume,) her fellow-prisoner in St. Lazarus, with his touching elegy of "*La Jeune Captive*."

The Duke and Duchess of Praslin had by this union three sons (of whom Gaston Louis Phillipe, born the 7th August, 1834, is the present duke,) and six daughters. At the period when the dreadful tragedy happened, the two eldest of these children, who were daughters, were married. The one next in seniority, also a daughter, was in her eighteenth year. The youngest child, a boy, was eight years old. Fanny, Duchess of Praslin, was at this time in her forty-first year, some two years younger than her husband. She was born



in 1807, at Constantinople, during the embassy of General Horace Sebastiani, her father, to the Ottoman Porte.

A short time after her birth, Mdlle. Fanny Sebastiani lost her mother, whose in-urned heart, according to custom, was transported to Olmetta, in Corsica, the home of the Sebastiani family: the motherless child was brought up by her aunt. When her marriage was arranged, Baron Pasquier, since a Duke and Chancellor of France, was the Duke of Praslin's first witness at the signing of the matrimonial contract; he afterwards sat as judge upon the murder. The husband inherited the honors of his house in 1841, on the death of the Duke of Praslin, his father, formerly Chamberlain to the Empress Josephine, and colonel of the National Guard, in 1814. By this succession he became chief of the third branch of the ducal house of Choiseul; and he was made a member of the Chamber of Peers on the 6th of April, 1847.

From the time of the death of the old duke his father, he and his duchess and family lived at their Château of Vaux-Praslin, near Melun, in the department of the Seine and Marne. This Château of Vaux had once been one of the most sumptuous of the residences of Fonquet, the princely but unfortunate minister of Louis XIV. The duke and duchess were latterly not happy in their union. Grave discord had arisen between them. Their dissensions had become matter of public notoriety both in town and country. One serious cause of quarrel had been the influence which the governess of his daughters, a Mdlle. Henrietta Delnzy-Desportes, had gained over the duke. The duchess objected to the continuance of this lady in the family, and particularly complained of her estranging from her the affections of her daughters. This subject of discord increased with years, and eventually grew

to such a height, that at last Mdlle. Deluzy had to quit. She did not, however, leave France, as the duchess expected, but went to reside in a boarding-school near Paris. Here the duke visited her, and here she was about to get an appointment as instructress; but the principal of the establishment required a prior letter of recommendation from the Duchess of Praslin. Such a letter, therefore, became vital to Mdlle. Deluzy, and the duke undertook to procure it. He was to have obtained it the very morning the duchess was found murdered. The departure of Mdlle. Deluzy from the Praslin family took place at Paris, the 18th July, 1847, just about a month before the occurrence of the fatal catastrophe. The duke and duchess were then apparently reconciled, and they went from Paris to their country Château together with their children. The people, assembled at Melun for the celebration of the patron festival of St. Ambrose, saw them there together arm in arm, and were glad in consequence, for the family of Praslin was popular with them; it was believed that they had become perfect friends for the future.

The duchess herself was much and generally beloved for her active charity and benevolence; the peasantry about her surnamed her "the good lady of Praslin." This semblance of concord between the duke and duchess was, however, a mere shadow; she still had her sorrows; she would often feel and express a kind of presentiment of her approaching end. One day the duke requested her to descend into the funeral vault at Vaux, which had recently been repaired; she refused, saying, "Shall I not soon go into it for ever?" It was under this state of circumstances that on the 17th of August, 1847, all the Praslin family left their château, and came to their superb residence in Paris, in the Rue du Faubourg St. Honoré,

No. 55, at 8 o'clock in the evening, by the Corbeil Railway. After their arrival, the duke, with three of his daughters, and the youngest of his sons, went to Mad. Lemaire's, the mistress of a boarding-house mentioned, to visit Mdle. Deluzy Desportes; he saw her about the letter, and left her at ten o'clock; he arrived at his house a little before eleven, then conducted the young ladies to their apartment, and immediately retired to his own.

While the duke was out, the duchess with her two eldest sons took a hackney-coach, drove to a bookseller's in the Rue Coq-Saint-Honoré, and after staying a short time there returned home at half-past nine; the duchess then retired to her sleeping apartment where she put on her night-apparel, ordered and took some orgeat, laid herself down tranquilly, and beginning to read in bed, dismissed her maid with a desire that she would call her at six o'clock the next morning. The maid never saw her alive again: at five o'clock on that morning the duchess had ceased to exist. Her body thrown down near the chimney, with the head and back against a sofa, there she lay deluged in her blood, and pierced with more than forty wounds. The news spread like wildfire, and all Paris was excited. An investigation instantly began. According to the opinion of the experts called in, three kinds of weapons must have been used in the perpetration of this crime; one a cutting, one a pointed, and one a bruising weapon; or at least they said, the assassin made use of an arm which had at the same time a point, a blade, and a stout handle, like a yatigan.

The blood had spurted on all sides. It formed itself into pools, gutters, drops, and various stains. It was seen upon the bed, upon the curtains, on the bell-rope, and indeed upon almost all the furniture of the room.

Everything proved that the duchess had attempted to escape from her assassin, either by rushing towards the doors to get out of the bed-room, or by endeavoring to pull the bell-ropes that her domestics might come to her aid,—also by running from one piece of furniture to another, that she might make a rampart of them. It was thought the first blows were given her while in bed, and that she made her most desperate efforts at the chimney.

The murderer, necessarily covered with blood, must have left traces of it on his way; and that stained way was found to be towards the apartment of the husband, the Duke of Praslin. Drops and marks of blood were visible from the door of the duchess's cabinet to the door of the duke's bed-room.

These indications at once put justice on the scent. Its further enlightenment is detailed in the following portions and summaries of the interrogatories and other evidence. The first declaration was that of the Duke of Praslin, which was made on the 18th August, the day of the murder, to the magistrates charged with the earliest investigation. It was as follows:—

“This morning at break of day,” said the duke, “I was awakened by cries, when I caught up a pistol and descended into the chamber of Madame de Praslin. I found the duchess seated on the floor, her head against a couch. Her face was covered with blood. I had scarcely attempted to afford her aid, when I heard a knocking at the door communicating with the saloon. I went and unbolted it, and found there my valet, my porter, and other people of the house, coming also to the assistance of the duchess. In attending to my wife I had stained myself with blood. My head was quite gone; I returned to my chamber and washed my hands. I endeavored to clear off with water the blood-stains upon my breast and

my dressing-gown; I did so that I might not alarm my children, to whom I wished to communicate what had befallen their mother, but I had not the courage to tell them. Very soon after, the General Viscount Sebastiani, the uncle of the duchess, came, and he was still with me when M. Bruzelin, the commissary of police, also arrived. My first care had been to order that the commissary and a physician should be sent for."

In consequence of this declaration, and other information already collected, the magistrates put various questions to the Duke of Praslin, which they set down, (as follows,) in the minutes, together with the answers received.

"We asked the duke what use he made of the pistol with which he had armed himself. He replied that at the moment of his attempting to help the duchess, he let it fall near the body; but that afterwards in his agitation, he had picked it up again, struck it against the ground, and left it, he no longer recollected where.

"We asked the duke how it happened that the fragments of a silk handkerchief were found in his chimney? He replied, 'I took this handkerchief to bind about my head; but finding it in a very bad state, I flung it into the chimney, where there was a great quantity of papers. This morning I threw a match into the chimney, which I used, I know not for what purpose, and the things took fire.'

"We asked the duke whence came a piece of green cord, such as for a bell-pull, found under his braces? He replied that the cord belonged to a pounce-box, but he could not explain why he had it on him, and under his braces. (The bell-pull over the duchess's pillow, it should be observed, was cut off beyond her reach.)



“We asked the duke whence came five ends of rope, and one end of white cord, stained with blood, found in his dressing-gown? He replied, that he knew not how the cords could have fallen into his pocket; as to the stain upon the white cord, he might have caused it by touching the cord with his blood-marked hands.

“We made the duke observe that the pistol left by him in the duchess’s chamber had blood upon the barrel and the ram-rod; that hair, and a small piece of skin, were sticking to the butt-end, glued to it by blood; that these were circumstances which raised against him the gravest suspicions. The duke hung down his head, and held it between his hands, while the Procureur du Roi earnestly exhorted him to reply with frankness. He ended by saying, ‘I formally deny having struck Madame de Praslin with that or any other weapon. As to the sticking of hair and flesh upon the butt-end of the pistol, it is impossible for me to explain it.’”

The next deposition was that of Augustus Charpentier, the duke’s valet-de-chambre. It ran thus :—

“On the 18th of August, 1847, towards five o’clock in the morning, I was awakened by an extraordinary sound of bell-ringing from the chamber of the duchess. She rang at the same time for the valet-de-chambre, Maxime, who was not in the hotel, and for her lady’s maid, Madame Leclerc. I descended hastily, and with the key that hung upon a nail, unlocked the door of the duchess’s ante-room, but could not get in; the door, contrary to custom, being bolted inside. At the same time piercing shrieks issued from the duchess, and I heard a confused noise, as if there was a running about the room. I kicked the door violently with my foot, but could not burst it open. The lady’s maid now came, and we both

rushed round, to enter by the grand saloon; but here also the door was held fast by a bolt on the inside. This door I pushed against with violence, in hopes of breaking it in, but without success. At intervals, my ear caught the death-rattles of my unfortunate mistress. I flew to the garden. I knocked in vain at the window of the bedroom, and at that of the boudoir. On arriving, however, at the south-west end of the house, I found open the door of the wooden staircase which leads to the ante-room between the duke's chamber and that of the duchess. The door of the dressing-room, and the two doors communicating from this cabinet to the duchess's sleeping apartments, were quite open. By this way I got as far as the entrance of the latter. All the shutters were closed; the darkness was complete; I did not hear the least sound. I thought I experienced a smell of powder and blood. I was alarmed, and retraced my steps. I rejoined the lady's maid, and flew to Merville, with whom I came back again, with a lamp and sword. At the moment of turning round the south-west corner of the house, we perceived that the Venetian blinds of the ante-room were open. I did not stop, however; Merville followed; we perceived no one. The second time I reached the entrance of the duchess's bedroom; and there, by the help of my lamp, I saw her stretched upon the floor, and weltering in her blood. We instantly alarmed the whole house. While repassing the yard, I remarked a considerable quantity of smoke issuing from the chimney of the duke's chamber, and I mentioned the circumstance to Merville.

"Our call brought the porter, also Madame Merville, and many other persons. We were about to pass through the great saloon, to make the circuit I had before made, when the

duke opened the door communicating from this room to the duchess's bedroom. We were not at the moment knocking there, as we knew it was bolted within. The duke said, 'Does she live still? Run, and fetch a medical man.' I hastened to fetch Doctor Simon.

"This morning when General Viscount Sebastiani arrived, he expressed himself as feeling suddenly unwell. I went to the duke's room to beg a glass of water for him, but the duke replied he had none. In fact there was no water in the duke's ewer, but the pitcher was in the middle of the room, and I wanted to take some water from it, when he told me not to touch it, for it was stale. This pitcher he took and emptied into the garden. A minute afterwards I was arrested and confined in my room; when I saw them act so with me, I said they would do much better to go and examine the duke's chamber."

The depositions of Margaret Leclerc, lady's maid to the duchess, of the porter, and also of Merville, the Duchess of Orleans's valet-de-chambre, who had been called in, agreed with those of Charpentier, but were less long in detail.

Euphemia Merville, wife to the valet of the Duchess of Orleans, was more minute in her evidence. When they rushed into the room, crying out that the duchess had been assassinated, that her dying groans could be heard, she replied, "We cannot let her die without help;" and she instantly flew to the fatal room. The porter was with her. To the best of her belief the murdered lady breathed her remaining life away in her arms, while she was laving her face with water. At this moment the witness saw the duke, and exclaimed, "Ah! my God! what a misfortune!" when he replied, striking her on the shoulder, "Good God!

Euphemia, what will become of us?" He beat his hands against the wall, but she did not see him make any attempt to aid his wife.

The evidence of the porter's wife somewhat deviated from this. According to her, the duke on seeing the dead body of his wife exclaimed, "My wife ! my poor wife !—the poor marshal ! the poor children ! Who will tell them of this ?"

Charpentier was a second time examined, and gave these further answers.

Q. Do you recollect what the duke said on learning that you had seen the body of the duchess ?

A. He asked me, pressing his head between his hands, "Who first entered the room?" Upon my replying that it was I, he demanded what I had seen; and when I said, only the duchess, he asked what she had said. I told him she was dead, and could say nothing when I entered. It was then he exclaimed, "Who could have done such a deed? what will become of us—and the poor children?"

The next important evidence was the examination of Made-moiselle Deluzy Desportes, thirty-five years old, the govern-ess of the duke's children, formerly acting in the same capacity to Lady Hislop, in England. According to Mdlle. Deluzy's declaration, she had always paid due respect to the duchess, and done nothing to alienate from her the affection of her children. When she entered the family, "matters were," she said, "already on a very bad footing." The duchess wished to superintend the education of her children; but after three months, the duke not approving of this, expressed his dissatisfaction, whereupon, for the future, she abstained from all interference. The following is a portion of the interrogation of Mdlle. Deluzy :—

Q. What were the causes of the dissensions between the duke and duchess ?

A. On the part of the duchess, it was a desire to rule the children, and above all, her husband ; on that of the duke, it was a fixed spirit of resistance, accompanied, however, with much gentleness.

Q. Is it not certain that the duchess, and more particularly during the last three months, believed that wrong relations existed between yourself and her husband ?

A. The duchess never hinted at anything of the kind to me ; she may have done so to others. Two years ago, in consequence of a libellous article in the newspapers, I wished to quit my situation, but Marshal Sebastiani, in whose house we were then living, in Corsica, was the first to oppose it at the time. The duchess treated me with much coldness upon my consent to stay, but since then, she has been exceedingly kind to me. I was overwhelmed, therefore, when, about two months since, I was informed, through the Abbé Gallard, that my presence was the cause of trouble in the house, and that I must not stay.

Q. We have here a letter, without a date or signature, which appears to have been addressed to you, at no remote date, by the duchess, wherein she says, " If it is forbidden to go to rest without being reconciled to one's neighbor ; it seems to me that a new year is a still more cogent reason for putting an end to all dissensions, and forgetting all complaints." She adds that it is with true good will she offers you her hand, and calls upon you to forget the past as she has done, in order that for the future you may live in good understanding with her. At that epoch, then, there still existed grounds of complaint against you ?



A. This letter was written to me in 1846, and with it the duchess sent a bracelet for a new year's gift. Before this time, she had treated me with much coldness, though without any reason. During last winter, on the contrary, she was far kinder. Every time she went to the play, she offered me a place in her box; and whenever she went out on a party of pleasure with the young ladies, I was invited to take a part.

From further questions it appeared that Mademoiselle Deluzy had been visited three times by the duke after she had quitted his service. Upon one of these occasions Madame Lemaire, with whom she was then staying, informed the duke of her wish to give Mademoiselle Deluzy a situation in her house, but that on account of the evil reports in circulation she could not do so without a letter from the duchess contradicting them. It was in consequence agreed that Mademoiselle Deluzy should call upon the duchess the next day to solicit such a letter.

The judge next demanded where she had slept on the night of the 17th of August, to which she replied at Madame Lemaire's; and to further inquiries she answered that no one had slept in her chamber, but that she was so surrounded by persons near, that the least stir she made would have been heard by them.

Q. How did you learn the dreadful event that occurred yesterday?

A. I learnt it from M. Remy, professor of literature to the young ladies. He took me with him to his house, where I remained till eight o'clock, when an agent of the police came for me.

Q. Why did you leave Mme. Lemaire at such a time, without saying where you were going?

A. M. and Mme. Remy seeing me so distressed would have me go with them. I gave M. Remy's address to Mme. Lemaire, who told it to the police agents. I cannot say why the police remained at Mme. Lemaire's door without coming where they were to find me.

When the examination touched upon the duke's guilt, Mademoiselle Deluzy evinced the greatest emotion, falling upon her knees with clasped hands, declaring that it was impossible, and exclaiming :—"Tell me not that there are presumptions against him—say not that they are strong. My conscience assures me that he has not done it. But if he have—great God! it is I, it is I who am the guilty party, I who so loved the children, I who adored them—I was a coward, I could not resign myself to my fate; I wrote letters to them—letters which you can see. I told them that I could no longer live, that I was a poor deserted creature, without other support than an old grandfather who threatened to suspend the little he was doing for me. I was terrified at my future prospects. O how wrong I was! I ought to have told them that I submitted to my fate, that I could be happy in my little chamber—I should have told them to forget me, and love their mother. But I did nothing of the kind. When I quitted the house, I was driven to such despair that I wished to die. I had a vial of laudanum. I drank it. Unfortunately they recalled me to life, and life was for me so very sad! For six years I had been so happy in that house in the midst of those children, who loved me, and whom I loved more than life, for without them it is insupportable. He must have demanded this fatal letter of recommendation, she must have refused, and then—'tis I, 'tis I that am the guilty one."

*Q.* It seems impossible that this excitement should merely belong to such feelings as might exist between you and the children. Was it to the children only that you addressed the despairing letters of which you spoke?

*A.* You are wrong, sir; excitement can belong to every feeling; do you not know that it can? But I will not say that, as I constantly saw the duke so kind, so generous to me, there may not have mingled with my affection for the children a tenderness—a vivid tenderness for the father; but never did I bring into that house sin and disorder; I would not from regard to the children. I should have thought that I had sullied those whom I called my own daughters if I had embraced them after I had become guilty. Can it not be understood that one may love with honor? I feel that I am wrong to use the words, my daughters—words that I have used only since I wrote to them. I have sometimes said, “my children,” when speaking to the whole of this youthful family.

*Q.* Did the duke participate in this state of sentiment and excitement that you exhibit?

*A.* No; but the children were unhappy; they suffered in their health; their mother used them harshly.

*Q.* But supposing the duke to have committed this crime, one could never believe he did it to protect his children against the ill-treatment of their mother?

*A.* No; such could not have been the cause. That which excited and set him beside himself was the dread of a divorce, with which the duchess incessantly threatened him.

*Q.* This leads us far away from the conclusions that seem to follow from your first answers as to the causes which alienated the duchess from you. It is no longer a question of jealous suspicions, dissipated as soon as they arose, leaving no feelings

behind. It is now, according to you, a case of serious dissension—the inevitable result to be a divorce. Your quitting was not caused by a first manifestation of jealousy; you were upheld by the husband against the wife; Marshal Sebastiani's interference became requisite.

A. These resentments were not manifested till the last moment; I am ignorant to what degree they were carried. The duke never showed any feelings for me but friendship and esteem, and I protest—to speak out plainly—he never was my lover.

Q. Nevertheless, it is one month since you left the house. In that interval are penned the letters, which you admit you did wrong in writing. In that interval occur many visits paid to you by the duke, three at least. To-day you were told to present yourself at the house, to request a letter of the duchess, and it was yesterday that she fell by the hand of the assassin.

A. I can only persist in the answers already given. Nothing wrong passed between me and the duke, nor was any future wrong meditated. Had the duchess died naturally, I would not for the sake of the children have consented to a *mesalliance*, the consequences of which might have fallen upon them. I had just as little idea of any other wrong. If the duke had loved me, I might have been capable of sacrificing my reputation and my life for him; but I never could have wished that it should cost his wife a lock of her hair. I speak the truth; you ought to believe me, gentlemen. Has not nature a tone which carries conviction with it? You ought to feel that.

Q. The four beginnings of letters which we now show you, are they not yours?

A. Yes, sir.

Q. One of these has an unfinished sentence. "You say nothing of your father. I hope that he is well, and continues to keep up his spirits. It seems to me I should be less unhappy, if I were sure to suffer."—Will you complete the sentence?

A. It is probable I meant to terminate the phrase with the word *alone*, or perhaps with the words *for you all*. I know not why I broke off; it may be that I thought it better not to speak to the young ladies of their father.

Q. You did right; and precisely so, because the letter contained the expression of a community of feeling to which it was not fit the young ladies should be made a party.

The examination of the duke before the Chancellor Pasquier, President of the Chamber of Peers, was opened by an earnest adjuration on the judge's part that the duke should relieve his mind by a frank confession of his crime, and when he pleaded weakness as a reason for not entering into details, the judge replied that nothing was more requisite than *yes* or *no*. Still he urged his state of feebleness, but to various questions of detail he replied with sufficient readiness. From these it appeared that he had been awakened, as he thought, by shrieks in the house, and that he hurried into the chamber of the duchess, a recollection that seemed so much to overpower him that he begged of them to spare his life, to desist from questions. The judge, however, proceeded.

Q. When you were in the duchess's chamber, you could not be ignorant that every mode of egress was closed, and that you alone could enter?

A. I was not aware of it.

Q. You went several times in the course of the morning



into the bedroom; was she in bed the first time you went there?

A. No; unfortunately she was stretched upon the floor.

Q. Was she not lying in the place where you struck her for the last time?

A. How can you ask me such a question?

Q. Because you did not answer me at once. Whence come the scratches that I see on your hands?

A. I got them while occupied packing up with the duchess the evening I left Praslin.

Q. I see a bite on your thumb, how did that happen?

A. It is not a bite.

Q. The surgeons have declared that it is.

A. Spare me; my weakness is excessive.

Q. You must have experienced a painful moment when upon returning to your room, you found yourself covered with the blood you had spilt, which you tried to wash out?

A. This has been wrongly interpreted; I did not like appearing before my children with the blood of their mother.

Q. You are very unfortunate in having committed this crime. The accused made no reply, but seemed lost in thought.

Q. Were you not urged to this crime by evil counsel?

A. I have had no counsel; people do not counsel to such things.

Q. Are you not devoured by remorse? and would it not be a sort of consolation for you if you told the truth?

A. My strength completely fails me to-day.

Q. You are always speaking of your weakness. I asked you just now to say *yes* or *no*.

A. If any one would feel my pulse, he must be sensible of my weakness.

Q. You have had sufficient strength to answer a tolerable number of questions in detail; you were not too feeble for that.

The accused made no reply.

Q. Your silence gives the answer for you, that you are guilty.

A. You have come here with a conviction of my guilt; I cannot change your opinions.

Q. You can do so if you give us reasons for a contrary belief—if you can explain otherwise that which seems explicable only by the supposition of your guilt.

A. I do not think myself able to change this conviction of your minds.

Q. And why do you think so?

After a pause, the accused declared it was beyond his strength to go on.

Q. When you committed this awful crime, did you think of your children?

A. Crime! I have committed no crime; as to the children, they are always in my thoughts.

Q. Do you dare to affirm that you have not committed this crime?

The accused sank his head within his hands, and for a few minutes remained without speaking. He then said, "I cannot reply to such a question."

Q. Monsieur de Praslin, you are in a state of torture, and, as I said to you just now, you may lessen this agony by giving me an answer.

The accused makes no reply, but begs, in mercy, that his further examination may be postponed till another day. This was assented to, and the investigation terminated.

A second examination of Mdlle. Deluzy now took place, and this time before the Chancellor Pasquier. Her statements would make it appear that the duchess had little intercourse with her children; for while the family remained at Paris she went out a great deal, and lived much at her father's; in the country she spent much of her time in her own room. Mdlle. Deluzy, according to her own showing, frequently wished to come to some understanding with her as to the education of the children, but her constant reply was that she did not approve of the duke's system, but that she had given him her word not to interfere with their education.

The judge then asked Mdlle. Deluzy if she did not think this isolation very painful to the duchess, and a cause of dissension between her and the duke? To this she replied, "Quite the reverse. I believe, upon my soul and conscience, Madame de Praslin was more occupied at that time with her feelings about her husband than about her children, whom she scarcely ever saw, and whom she sent away, when their father was present, in order to be alone with him. When he was no longer there, she voluntarily kept herself at a distance from the children, in order that she might use it as a weapon against him in her reproaches touching his way of managing their household. In the early part of my residence Madame de Praslin would never walk out in company with her children while we were in the country; since then she has changed. When the Duke de Praslin, while playing with the children, would happen to answer abruptly the questions the duchess incessantly addressed to him to divert his attention from them to herself, she would invariably quit the room with the liveliest expressions of jealous irritation. This was soon perceived by the children, who, with the innocent malice of their age, affected to brave

this feeling by showing yet more attachment for their father, and by being perpetually about him. I perceived the evil arising from this sort of struggle, but I had not always the power to prevent the results. At a later period, the yet greater affection I felt for my pupils prevented me from being quite impartial in these daily-renewed disputes."

At this answer, the judge rebuked the woman for endeavoring to turn all the blame upon the duchess, and for not having used the influence she had over the children in restoring their affections to their mother. To this Mdle. Deluzy replied that they had asked for the truth; and she therefore felt obliged to tell it without reserve, and added, that the irritable, unbending, character of the duchess made her totally unfit for bringing up the children. The examination then took another turn. She was asked if she had never felt that she was a cause of dissension—a stumbling-block in the way of the duke and the duchess? To this she replied that she thought little at first of the estrangement of Madame de Praslin from herself, as the duchess evinced the same feelings towards every one who approached her husband. At a later period, when evil reports began to circulate, she had expostulated with the duchess, who, however, treated it as nothing more than vanity and self-love on the part of one who held a situation so beneath her own and her husband's rank.

*Q.* You have said that the Duke de Praslin ended by living chiefly with you and the children?

*A.* The Duke de Praslin did not live chiefly with me and the children; but in country and in town, the habits of the duchess, who never left her father's saloon, except to mix in gay society, were the cause that in the hours of recreation during summer, as well as in long winter evenings, the duke

walked with us, or passed some time in the school-room. The children were admitted for a few moments only into the house of their grandfather. Madame de Praslin never did desire us to pass the evenings in her drawing-room.

The judge again commented severely upon the evident desire of the witness to throw all the blame upon Madame de Praslin. To this she replied, almost as she had done before, that being interrogated, she felt bound to make her explanations as clear as possible; adding, "the conduct of Madame de Praslin was the same towards those whom she loved best; it was very unequal, and often quite incomprehensible. At one time she would grievously wound my feelings and self-esteem; at other times she would treat me with sympathy and kindness. Often in the space of an hour, after having charged me with my influence over the family, she would request me to use it for the accomplishment of some fancy she might have; often, after having inflicted some cruel anguish on me, she would make me a handsome present; even during the last days of my remaining with her, when she had refused to sit at the same table with me, when in the eyes of the whole house I was rather expelled than honorably dismissed, Madame de Praslin, meeting me by chance, showed herself all at once as kind as in our best days, and, more than that, actually sent me some books to amuse me."

The judge could see in this another proof of the duchess' goodness, while Mdlle. Deluzy inferred from it that the duchess' displeasure must have proceeded from an irritability, which she could not control, rather than from any sense of wrongs done to her. The judge again objected to her evident desire to lay all the blame upon the deceased, to which she replied as before, but with considerable emotion, that she only



endeavored to give the desired explanations, and that she would gladly die to bring the duchess back to life.

*Q.* In the last visit that the Duke de Praslin paid you with his three daughters, and his youngest son, what passed between him, you and them?

*A.* When the duke arrived with the children, the latter were much affected; at first there was nothing but tears and embraces. At length, embarrassed by the presence of the children, I said to the duke, in general terms only, that Mad. Lemaire, the directress of the establishment where I had been for a month, was willing to employ me; but that reports, unfavorable to my reputation, having reached her, she wished that Madame de Praslin would write her a letter, that might serve as a testimony of my character. The duke then saw Madame Lemaire. When he returned from the interview, I told him that it was not requisite for him to trouble himself much about this request, Madame Lemaire perhaps attaching more importance to it only to make me accept conditions that I did not feel disposed to comply with. A few moments afterwards the duke left me in haste, to save his children from the reproaches of their mother, on account of the visit they had paid me, and our last words were, "Farewell till to-morrow;" for we were all to meet again at noon, and it was agreed that at two o'clock I should respectfully seek a reconciliation with the duchess.

*Q.* Did the Duke de Praslin give you any assurance or hope of obtaining from the duchess the letter you required in your favor?

*A.* He told Madame Lemaire that he did not apprehend any difficulty, the duchess was anxious that I should pass into the employ of another.

*Q.* When the duke quitted you, did you observe any extraordinary excitement in him?

*A.* No, sir; he only said, "I am sorry for you. I play a vexatious part in this business." But he appeared calm.

*Q.* At what hour did he leave you?

*A.* A little before ten.

*Q.* Did he go away in a hackney-coach?

*A.* In a hackney-coach with his children.

*Q.* Did you hear anything fall from the lips of the Duke de Praslin that might lead you to think he was in a temper to proceed to extremities with the duchess?

*A.* By all that I hold in life most sacred, never! never! I know not whether it is allowable for me to mention here some facts that I alone know, and which prove that the violence was not on the Duke de Praslin's side. Often did I hear the duchess threaten to attempt her own life. Once at Vaudreuil, she wanted to stab herself, and the duke, in disarming her, wounded his hand; another time, at Dieppe, at the end of an explanation between herself and her husband, of which I was not actually a witness, but which the children and myself heard from the room where we were—she rushed into the street, threatening to fling herself into the sea; yet with that strong inconsistency of character already mentioned as belonging to her, the duke found her in a shop, making purchases and quite calm.

Such was the sum and substance of this Mdlle. Deluzy's explanations. It is for the reader to form his own judgment of them. Not much more light was thrown on the horrible event. Its conclusion came abruptly.

The Court of Peers had been convoked by royal ordinance, issued on the 18th of August. The Procureur-General, M.

Delangle, had immediately prepared the affair for the chamber; the Chancellor of France had forthwith associated to himself Messieurs Decazes, de Pontécoulant, de St. Aulaire, cousin, Laplague-Barris, and Vincens St. Laurent, to take the preliminary proceedings. He had, as already shown, gone through the examination of Mdle. Deluzy-Desportes, and of the duke. The court was now prepared to sit on the trial of the accused, and society awaited a great judicial example.

Suddenly a report spread that the duke was poisoned—that he was dying—that he was dead. The effect of this news upon the public is beyond description. The Duke de Praslin expired in the Luxemburg, whither he had been transferred in the darkness of night, to avoid the fury of the populace. In consequence of his death, the chancellor made the following report to the peers :—

“An account is due to you of how we used the powers committed to us, for investigating the murder of the Duchess of Praslin. The inquiry was conducted upon the presumption, which proved too well founded, that her husband, the Duke of Praslin, was the actual criminal. The time the duke was under your jurisdiction was of no long duration. At five o'clock on the morning of Saturday, he was committed to the prison of the Luxemburg, in virtue of an order that I had given on Friday, but which could not sooner be put into execution. He lived four days only from the date of his entering the prison, having, a few hours after the murder, taken a powerful dose of arsenic. On Tuesday, the 24th, at half-past four in the evening he died, just seven days and a half after the perpetration of the atrocious deed. This short period, however, sufficed for bringing to light the truth in all its details. It is probable that the duke took the poison when

he saw his plans defeated of hiding the murder, expecting its effects would be much more rapid than it actually was. At all events, he poisoned himself in the course of Wednesday, a little sooner or a little later, and vomitings commenced at ten o'clock at night. These ceased with the end of Thursday, and were succeeded with great weakness, but the surgeon could detect no symptoms of poisoning, and imagined it was an attack of the cholera. After a few struggles the duke grew better, and at ten o'clock on Friday night it was decided by the medical attendant that he might be removed to the prison of the Luxemburg without inconvenience. Although the accused could not be brought to an actual confession of his crime, yet the absence of all denial, even when the choice was formally given him between *yes* and *no*, may well be received as such. The conclusions drawn from the *procès verbal*, and the after minutes, bear that the poisoning of the duke, effected by himself, must have occurred in the middle of Wednesday, a few hours only after the commission of the murder. It appears also from these minutes, that all the results which followed, the intervals elapsing between them, and the duration of his state terminated by death, were the natural and habitual consequences of this kind of poisoning. As regards the duke all then is made plain, all is accomplished, the justice of man has no longer any power over him. But at the commencement of the preliminary inquiries, the ordinary judges did not hesitate to arrest Mdle. Deluzy under suspicion of having been a party to the crime. For six years she had been a governess to the duke's children, and only left the house and her situation on the 18th of July last. I have continued this arrest, by issuing against her an order of imprisonment, in virtue of which she is still detained in the Conciergerie."

Mdlle. Deluzy was soon after set at liberty.

The duke's remains were buried at night, and in secrecy. The people were so enraged against him, and were so incensed at the impunity he had obtained in the eyes of the world by dying, that many refused to believe he was really dead. Some there were who maintained that the noble families, interested in stifling the details of the scandal, had procured the government's connivance at the evasion of the miscreant. Those, who had too much sense to credit so absurd a supposition, declaimed not less loudly against the system of tolerance, consideration and insufficient restraint allowed him, which enabled him to escape from the merited disgrace of a public execution. Strange to say, this gave rise to a kind of general and undefined feeling against the then existing monarchical government. Men were seized with distrust, uneasiness, disgust, they knew not why. The sickening sensation did not cease, but grew and continued a canker on the public mind, until there came a mighty revolution which made the Praslin affair appear the gloomy prelude to a swelling scene of horrors. The murder of the duchess, connected with the great outbreak that ensued, seemed as a thunder-cloud which hung oppressively on the atmosphere prior to the tempestuous bursting and full fury of the storm.

The letters which the Duchess of Praslin wrote to the duke during the period of discord caused by the presence of Mdlle. Deluzy, have been published since her death, and have obtained quite a literary fame from the exquisite tenderness, the purity and goodness of mind, and the energy of feeling they display. The correspondence minutely details and painfully lays bare the long agony the unfortunate wife must have endured. The following passages from these letters (as much



as the limits of this work will permit) are here given in further illustration of the different phases and bearings of this domestic tragedy. The extracts are taken in the order they appeared in the original communications, which began in 1842, and come down to near the actual time of the murder. They run thus :—

“Oh ! Theobald,” writes the duchess, in a letter to husband in 1841, “take back your Fanny, try her for a short time with affection, with confidence; you will find yourself more happy than you can be in a state of isolation. You seek diversions, but are you really happy ? No, my beloved, no one can be happy with such a heart as yours, and such a life as we are leading. Your wife has no other bliss, no other affection, no other family, no other stay, but yourself. Oh ! be not deaf to her prayers—her vows—her repentance if she has erred, for she loves you, and her life will be one of gratitude and devotion. You repel her as a culprit; she dares not present herself before you—she must not open her heart to you—cover you with caresses—address to you her prayers. You have driven her from your room and your affections; could you do more if she had been unfaithful ? She weeps day and night; she has stood at your chamber door not daring to enter, fearing the reproach of the morrow. My dearest, in the name of all the recollections that are sacred to you, which you have so often told me to invoke if you should ever become angry with me in earnest—oh ! do not longer repel me, give me back your confidence and your love; consent to receive the cares and consolations of a wife who exists but to dote on you. Oh ! I will never abuse your kindness. With what can you reproach me, my beloved, unless it be with my suspicions and ebullitions of temper ? Was my violence ever such

that a caress did not in a moment calm it? Yield not to anger, to resentment; be not inflexible."

In 1842 she writes :—"Theobald! Theobald! to punish me for my ebullitions, for my jealousies—to which, I assure you, your contempt of received custom might well afford a ground—was not your vengeance satisfied by your abandon of me, and by the course of life you have long led—a course which tears my heart, for it has all the appearance of unfaithfulness? Oh, it is cruel, my dear friend, but I cannot bring myself to think you guilty of infidelity to me: for there would remain nothing to me in this world, not even the affection, the love that has ever existed in my heart for you, if I could believe you capable of it. No, no; you yield, without knowing it, to an influence that envelopes you on all sides. This is not mere words my beloved; I am dying of grief; for mental agonies are sapping my health; I have too narrowly questioned the physician not to be certain of the fact. Nights, for nearly five years, almost ever passed till three or four o'clock in the morning in tears, in the convulsions of despair—when I have often pressed the pillow to my mouth to stifle my cries—nights such as these have shaken my nerves and produced internal inflammation. I might alleviate this disorder by medical remedies, but so long as the mental causes subsist, they act equally with those of the body upon the weakened organs, and the cure is impossible. I feel with bitterness that I have lost all those advantages which must indispensably be called into play to win you back. My features are wasted, my strength fails me, my disposition sours, my mood becomes gloomy, my spirit is quenched, my energies are beaten down. Theobald, recollect the grief, the dejection into which you were flung by the loss of your father; I have lost my hus-

band, my children; I am near them, yet not permitted to enjoy their society; I know that I am a burden and despised. I must indeed be acting a part, if I could be gay and amiable with such bitter sorrows. The calm that I show is owing only to opium, and to the violent efforts I make before the world, and which I pay for, when I am alone, by nervous tremblings, and tortures unutterable. How often in the last five years have I been obliged to fly from the drawing-room, because I felt that I could no longer restrain my sobs!"

The next passage is of the same year:—"Alas! my God! you are angry with me for being suspicious, yet how can one be otherwise with your habits of mystery, your contempt of all established forms, of all propriety? You reproach me with being no longer amusing and gay. What! I have no longer a husband or children; I see my place beside them taken by another, and you think I can laugh and jest! I am compelled to lead an isolated life, far from all I love, without having a pleasure, a diversion, an occupation in common with them, and it is expected when I meet them that I should be able to utter mirthful language. But I have a soul; that soul, wounded in all its affections, suffers cruelly. What signify luxury, independence, and all such vanities? What I want is my husband, my children, their affection, their presence, their confidence; what does the rest concern me? I cared for dress when I was to go out with you; I liked the play when you were with me. Society then delighted me; I had taste and fancy for the splendor of furniture, for china and curiosities, when we lived in this our own house together; I took interest even in the delicacies and good cheer of the table when you did really live with me, and I shared your life. All these things away from you, are matters of indiffer-

ence, are burdensome to me: you must believe it. With you, company and solitude each in its turn, pleased me; but in this state of isolation all is suffering. If you knew what I endure when I see wives with their husbands, mothers with their children; when they talk to me of their homes; when they put a thousand questions to me, that seem so natural in speaking of a husband and of one's children!"

The following relates to Mdlle. Deluzy:—"It is long since I have written, and my position since then has grown much worse; Mdlle. D. reigns without a rival. There never was, so far as appearances are concerned, a governess in so scandalous a position. Believe me, this line of conduct is a great misfortune—ay, a great evil, since all her intercourse, so familiar with you, and her authority over the household, show that she is a person who thinks herself placed above every observance of propriety. With her all is vanity, love of rule, dominion, and pleasure. Even a fraternal intimacy, such as I am to believe it, is in the highest degree indecorous in her position as regards you, and at your respective ages. What an example for young people, showing them that it is nothing for a female twenty-eight years old to go with permitted access in and out, at all hours, of the room of a man of thirty-seven! to receive him in *deshabille*—to have private interviews with him for whole evenings—to order her own furniture, and to arrange excursions, parties of pleasure, and so forth. She has broken with all her friends, in order to have more leisure, and more completely to monopolise your society; she always finds means to get rid of the children. Had she not the face to say to me, 'I regret, madame, that I cannot be a mediator between you and the duke; but for your own sake I would advise you to be careful how you behave

towards me. I can understand that it must be painful to you to be separated from your children; but after the positive determination of the duke in that respect, I feel he must have had too weighty reasons in having adopted such a line of action, not to consider it my bounden duty to act conformably.'

"Is it possible that your wife, who has always been pure who has never thought of any save your children, and yourself especially,—is it possible that she should be obliged to hear herself thus insulted by the governess of your children—a woman whom you have known but a few months, and of whom you at first spoke ill? You fear lest I should corrupt my own children, and you trust them to one who mocks at all propriety, who tramples it beneath her feet, who regards all religious observances as superstitions. You are in such a state of irritation that you will not listen to me, and will not understand me. I do not say to you, as you have always imagined, that Mdlle. D. is your mistress to the full extent of the word; that supposition, in face of your children, is too revolting; but you do not see that in the eyes of the world her intimacy with you and her absolute control in the household give her the open appearance of being such. Do you not comprehend my grief at beholding my children, torn from their mother, to be completely abandoned to a person who ignores that virtue has its external forms, and should never put on the semblance of vice?"

The following passage is a harrowing outburst of suffering :—“ Oh ! my agony is slow and cruel ! Oh ! never, never will you know, never will you comprehend what your poor Fanny has endured—she who loved you dearly—who so dearly loved your children. Alas ! it seems to me as if I had suffered so much that I have ceased to love you. I am not



angry with you, I forgive you; I am convinced it is not altogether your fault; you are too easy, but I have borne so much ! I have trusted in you so long in vain ! You are no longer for me the Theobald whom I thought the best of men. Towards others you are still so, but to me—how hard and how unjust ? Why have I so long looked upon you as so superior a being ? Since you must be under female rule, why did I not at least try to obtain that influence over you ? You would have been much happier, for, the life you now lead cannot be all enjoyment without some remorse from the thought of the pangs you force me to endure. And my children ! my poor children ! taught to consider their mother a contemptible burden ! Oh, it is horrible ! yes, I have been very wrong in renouncing for a moment the sacred duties of a mother in the hope of winning you back to me. God has punished me. I every day reproach myself for my cowardice in having tolerated the position, truly scandalous, of Mdlle. D.; for in this world we can only judge from appearances, and in this case they are as shameful as it is possible for them to be."

The following is an extract from a letter (probably the last she ever wrote) addressed by the duchess to her husband, and found in her desk at Vanx-Praslin after she had perished by his hand: "If by your threats," writes the miserable, broken-hearted creature, "you wish me to understand a divorce, you should recollect that the initiative is not with yourself. For years you have treated me without esteem, without regard. You are free, but you bring up your children in alienation from their mother, in contempt of her; you abandon them to a woman who cajoles you, whose manners are corrupt. I must confess I think you a little singular in being angry when

for once I endeavor to escape from this detestable kind of life. You seek pretexts against my journey. So long as I had a husband, children, and a home, I was happy, and never thought of quitting them; now that you have robbed me of them, I own that I am thinking of escape from this hell, for surely there are no words that can express the tortures that I endure."

The presentiment of the poor duchess as to her approaching death—a death unnatural that killed for loving—was only too true, but she was wrong as to her place of sepulture. Her murdered remains lie away from the vaults of the Château Praslin: they are entombed near the heart of her mother, at Olmetta, the residence of the Sebastianis in Corsica.

## THE UNLAWFUL GIFT.

THE chastened glory of a bright autumnal evening was shining upon the yellow harvest fields of Bursley Farm, in the vicinity of the New Forest, and tinting with changeful light the dense but broken masses of thick wood which skirted the southern horizon, when Ephraim Lovegrove, a care-cankered, worn-out, dying man, though hardly numbering sixty years, was, at his constantly and peevishly-iterated request, lifted from the bed, on which for many weeks he had been gradually and painfully wasting away, and carried in an arm-chair to the door. From the cottage, situated as it was upon an eminence, the low-lying lands of Bursley, and its straggling homestead, which once called him master, could be distinctly seen. The fading eyes of the old man wandered slowly over the gleaming landscape, and a faint smile of painful recognition stole upon his harsh and shriveled features. His only son, a fine handsome young fellow, stood silently with his wife, beside him—both, it seemed, as keenly, though not perhaps as bitterly, impressed with the scene and the thoughts it suggested; and their child, a rosy youngster of about five years of age, clung tightly to his mother's gown, frightened and awed apparently by the stern expression he read upon his father's face. A light summer air lifted the old man's thin white locks, fanned his sallow cheeks, and momentarily revived his fainting spirit. "Ay," he muttered, "the old pleasant home, Ned,

quite beautiful as ever. It's only we who change and pass away."

"The home," rejoined the son, "of which we have been robbed—lawfully robbed."

"I'm not so clear on that as I was," said Ephraim Lovegrove, slowly and with difficulty. "It was partly our own want of foresight—mine, I mean, of course: we ought not to have calculated on——"

The old man's broken accents stopped suddenly. The strength which the sight of his former home and the grateful breeze which swept up from the valley awakened, had quickly faded; and the daughter-in-law, touching her husband's arm, and glancing anxiously at his father's changing countenance, motioned that he should be re-conveyed to bed. This was done, and a few spoonfuls of wine revived him somewhat. Edward Lovegrove left the cottage upon some necessary business; and his wife, after putting her child to bed, re-entered the sick-room, and seated herself with mute watchfulness by the bed side of her father-in-law.

"Ye are a kind, gentle creature, Mary," said the dying man, whose failing gaze had been for some time fixed upon her pale, patient face; "as kind and gentle—more so, it seems to me, in this poor hovel than when we dwelt in yon homestead, from which you, with us, have been so cruelly driven."

"Murmuring, father," she replied in a low sweet voice, "would not help us. It is surely better to submit cheerfully to a hard lot than to chafe and fret one's life away at what cannot be helped. But it's easy for me," she hastily added, fearing that her words might sound reproachfully in the old man's ear—"it's easy for me, who have health, a kind husband, and my little boy left me, to be cheerful, but it's scarce-

ly so for you, suffering in body and mind, and tormented in a thousand ways."

"Ay, girl, it has been a sharp trial; but it will soon be over." In a few hours it will matter little whether old Ephraim Lovegrove lived and died in a pig-sty or a palace. But I would speak of you. You and Ned should emigrate. There are countries, I am told, where you would be sure to prosper. That viper Nichols, I remember, once offered to assist—I could never make out from what motive—from what——. A little wine," he added feebly. "The evening, for the time of year, is very chilly; my feet and legs are cold as stones." He swallowed the wine, and again addressed himself to speak, but his voice was scarcely audible. "I have often thought," he murmured, "as I lay here, that Symons, Nichols' clerk, from a hint he dropped, knows something of—of—your mother and—and——" The faint accents ceased to be audible; but the grasp of the dying man closed tightly upon the frightened woman's hand, as he looked wildly in her face as he drew her towards him, as if some important statement remained untold. He struggled desperately for utterance, but the strife was vain, and brief as it was fierce: his grasp relaxed, and with a convulsive groan Ephraim Lovegrove fell back and expired.

The storm which had made shipwreck of the fortunes of Ephraim Lovegrove had leveled with the earth prouder roof-trees than his. In early life he had succeeded his father as the tenant of a farm in Wiltshire. He was industrious, careful and ambitious; and aided by the sum of £500, which he received with his wife, and the high prices which agricultural produce obtained during the French war, he was enabled, at the expiration of his lease in Wiltshire, to become the pro-



prietor of Bursley Farm. This purchase was effected when wheat ranged from £30 to £40 a load, at a proportionately exorbitant price of £5000. His savings amounted to about one-half of this sum, and the remainder was raised by way of mortgage. Matters went on smoothly enough till the peace of 1815, and the subsequent precipitate fall in prices. Lovegrove showed gallant fight, hoping against hope that exceptional legislation would ultimately bolster up prices to something like their former level. He was deceived. Every day saw him sinking lower and lower; and in the sixth year of peace he was reluctantly compelled to abandon the long since desperate and hopeless struggle with adverse fortune. The interest on the borrowed money had fallen considerably in arrear, and Bursley Farm was sold by auction at barely sufficient to cover the mortgage and accumulated interest. The stock was similarly disposed of, and stout Ephraim withdrew with his family to a small cottage in the neighborhood of his old home, possessed, after his debts were discharged, of about thirty pounds in money and a few necessary articles of furniture. The old man's heart was broken: he took almost immediately to his bed, and after a long agony of physical pain, aggravated and embittered by mental disquietude and discontent, expired as we have seen, worn out in mind and body.

The future of the surviving family was a dark and anxious one. Edward Lovegrove, a frank, kindly-tempered young man, accustomed, in the golden days of farming, to ride occasionally after the hounds, as well equipped and mounted as any in the field, was little fitted for a struggle for daily bread with the crowded competition of the world. He had several times endeavored to obtain a situation as bailiff, but others more

fortunate, perhaps better qualified, filled up every vacancy that offered, and the almost desperate man, but for the pleading helplessness of his wife and child, would have sought shelter in the ranks of the army—that grave in which so many withered prospects and broken hopes lie buried. As usual with disappointed men, his mind dwelt with daily-augmenting bitterness upon the persons at whose hands the last and decisive blows which had destroyed his home had been received. Sandars, the mortgagee, he looked upon as a monster of perfidy and injustice; but especially Nichols the attorney, who had superintended and directed the sale of the Bursley homestead, was regarded by him with the bitterest dislike. Other causes gave intensity to this vindictive feeling. The son of the attorney, Arthur Nichols, a wild, dissipated young man, had been a competitor for the hand of Mary Clarke, the sole child of Widow Clarke, and now Edward Lovegrove's wife. It was not at all remarkable or surprising that young Nichols should admire and seek to wed pretty and gentle Mary Clarke, but it was deemed strange by those who knew his father's grasping, mercenary disposition, that *he* should have been so eager for the match, well knowing, as he did, for the payments passed through his hands, that the widow's modest annuity terminated with her life. It was also known, and wonderingly commented upon, that the attorney was himself an anxious suitor for the widow's hand up to the day of her sudden and unexpected decease, which occurred about three years after her daughter's marriage with Edward Lovegrove. Immediately after this event, as if some restraint upon his pent-up malevolence had been removed, the elder Nichols manifested the most active hostility towards the Lovegroves; and to his persevering enmity it was generally attributed that Mr. San-

dars had availed himself of the power of sale inserted in the mortgage deed to cast his unfortunate debtor helpless and homeless upon the world.

Sadly passed away the weary, darkening days with the young couple after the old man's death. The expenses of his long illness had swept away the little money saved from the wreck of the farm; and it required the sacrifice of Edward's watch and some silver teaspoons to defray the cost of a decent funeral. At last, spite of the thriftiest economy, all was gone, and they were penniless.

"You have nothing to purchase breakfast with to-morrow, have you, Mary?" said the husband, after partaking of a scanty tea. The mother had feigned only to eat: little Edward, whose curly head was lying in her lap as he sat asleep on a low stool beside her, had her share.

"Not a farthing," she replied mildly, even cheerfully, and the glance of her gentle eyes was hopeful and kind as ever. "But bear up, Edward: we have still the furniture; and were that sold at once, it would enable us to reach London, where you know so many people have made fortunes who arrived there as poor as we."

"Something must be done, that is certain," replied the husband. "We have not yet received an answer from Salisbury about the porter's place I have applied for."

"No; but I would rather, for your sake, Edward, that you filled such a situation at some place further off, where you were not so well known."

Edward Lovegrove sighed, and presently rising from his chair, walked towards a chest of drawers that stood at the further end of the room. His wife, who guessed his intention—for the matter had been already more than once hinted at—

followed him with a tearful, apprehensive glance. Her husband played tolerably well—wonderfully in the wife's opinion—upon the flute, and a few weeks after their marriage, her mother had purchased and presented him with a very handsome one with silver keys. He used, in the old time, to accompany his wife in the simple ballads she sung so sweetly—and now this last memorial of the past, linked as it was with tender and pious memories, must be parted with! Edward Lovegrove had not looked at it for months: his life, of late so out of tune, would have made harsh discord of its music; and as he took it out of its case, and from the mere force of habit, moistened the joints, and placed the pieces together, a flood of bitterness swelled his heart to think that this solace of “lang syne” must be sacrificed to their hard necessities. He blew a few tremulous and imperfect notes, which awakened the little boy, who was immediately clamorous that mammy should sing and daddy play as they used to do.

“Shall we try, Mary,” said the husband, “to please the child?” Poor Mary bowed her head: her heart was too full to speak. The flutist played the prelude to a favorite air several times over before his wife could sufficiently command her voice to commence the song; and she had not reached the end of the second line when she stopped, choked with emotion, and burst into an agony of tears.

“It is useless trying, Mary,” said Edward Lovegrove, soothingly, as he rose and put by the flute; “I will to bed at once, for to and from Christchurch, where I must dispose of it, is a long walk.” He kissed his wife and child, and went up stairs. The mother followed soon afterwards, put her boy to rest, and after looking wistfully for a few moments at the worn and haggard features of her husband as he lay asleep, re-

descended the stairs, and busied herself with some necessary household work.

As she was thus employed, a slight tap at the little back window struck her ear, and looking sharply round, she recognised the pale, uncouth features of Symons, lawyer Nichols' deformed clerk and errand-man, who was eagerly beckoning her to open the casement. This was the person of whom Ephraim Lovegrove had spoken just previous to his death. Symons, who had never known father or mother, had passed his infancy and early boyhood in the parish workhouse, from whence he had passed into the service of Mr. Nichols, who, finding him useful, and of some capacity, had retained him in his employ to the present time, but at so bare a stipend, as hardly sufficed to keep body and soul together. Poor Symons was a meek, enduring drudge, used to the mocks and buffets of the world; and except under the influence of strong excitement, hardly dared to rebel or murmur, even in spirit. His acquaintance with the Lovegrove family arose from his being placed in possession of the furniture and stock of Burseley Farm under a writ of *fi. fa.* issued by Nichols. On the day the inventory was taken, in preparation for the sale, a heavy piece of timber which he was assisting to measure fell upon his left foot, and severely crushed it. From his master he received only a malediction for his awkwardness; but young Mrs. Lovegrove not so much absorbed in her own grief as to be indifferent to the sufferings of others—had him brought carefully into the house, and herself tended his painful hurt with the gentlest care and compassion, and ultimately effected a thorough cure. This kindness to a slighted, deformed being, who before had scarcely comprehended the meaning of the word, powerfully affected Symons; and he had since frequently



endeavored, in his shy, awkward way, to testify the deep gratitude he felt towards his benefactress, of whose present extreme poverty he, in common with every other inhabitant of the scattered hamlet, had of course become fully cognisant. Charity Symons—the parish authorities had so named him, in order, doubtless, that however high he might eventually rise in the world, he should never ungratefully forget his origin—beckoned, as I have said, eagerly to the lone woman, and the instant she opened the casement, he thrust a rather heavy bag into her hand.

“For you,” he said hurriedly: “I got it for next to nothing of Tom Stares; but mind, not a word! God bless and reward you!” and before Mrs. Lovegrove could answer a word, or comprehend what was meant, he had disappeared.

On opening the bag, the surprised and affrighted woman found that it contained a fine hen-pheasant and a hare! No wonder she was alarmed at finding herself in possession of such articles; for in those good old days game could not be unlawfully sold or purchased; and unless it could be distinctly proved that it came by gift from a qualified killer, its simple possession was a punishable offence. This pheasant and hare had doubtless been poached by Tom Stares, a notorious offender against the game-laws: but what was to be done? Spite of all the laws that were enacted upon the subject, the peasant and farmer intellect of England could never be made to attach a moral delinquency to the unauthorised killing of game. A dangerous occupation, leading to no possible good, and eventually sure to result in evil to the transgressor, prudent men agreed it was; but as for confounding the stealing of a wooden spoon, worth a penny, with the snaring of a hare, worth perhaps five shillings—that never entered anybody’s head

And thus it happened that Mrs. Lovegrove, though conscious that the hare and bird had been illegally obtained, felt nothing of the instinctive horror and shame that would have mantled her forehead had she been made the recipient of a stolen threepenny-worth of cheese or bacon. She recalled to mind the journey her husband must take in the morning—he weak, haggard for want of food—of which here was an abundant present supply: her boy, too, who had twice—at tea-time, ere he fell asleep, asked vainly for more bread! As these bitter thoughts glanced through her brain, a sharp double rap at the door caused her to start like a guilty thing, and then hastily undo her apron, and throw it over the betraying present. The door was not locked, and the postman, impatient of delay, lifted the latch, and stepped into the room. Was he soon enough to observe what was on the table? Mary Lovegrove would have thought so, but for the unconcerned, indifferent aspect of the man as he presented a letter, and said, “It’s prepaid: all right;” and without further remark, went away. The anxious and nervous woman trembled so much, that she could hardly break the seal of the letter; and the words, as she strove to make out the cramped hand by the brilliant moonlight, danced confusedly before her eyes. At last she was able to read. The letter was from Salisbury, and announced that Mr. Brodie “regretted to say, as he had known and respected the late Ephraim Lovegrove, that he had engaged a person to fill the situation which had been vacant a few hours previous to his receiving Edward Lovegrove’s application.” That plank, then, had snuk under them like all the rest! A hard world, she thought, and but little entitled to obedience or respect from the wretches trampled down in its iron course. Edward should not, at all events, depart foodless

on his morning's errand; neither should her boy lack breakfast. On this she was now determined, and with shaking hands and flushed cheek, she hastily set about preparing the bird for the morning meal—a weak and criminal act if you will; but a mother seldom reasons when a child lacks food: she only feels.

Edward Lovegrove very easily reconciled himself to the savory breakfast which awaited him in the morning; and he and his son were doing ample justice to it—the wife, though faint with hunger, could not touch a morsel—when the latch of the door suddenly lifted, and in hurried Thompson the miller, and chief constable of the Hundred, followed by an assistant. A faint scream escaped from Mrs. Lovegrove, and a fierce oath broke from her husband's lips, as they recognised the new comers, and too readily divined their errand.

“A charming breakfast, upon my word!” exclaimed the constable, laughing. “Roasted pheasant—no less! Our information was quite correct, it appears.”

“What is the meaning of this, and what do you seek here?” exclaimed Edward Lovegrove.

“You and this game, of which we are informed you are unlawfully possessed. I hope,” added the constable, a feeling, good sort of man—“I hope you will be able to prove both that this half-eaten pheasant and the hare I see hanging yonder were presented to you by some person having a right to make such gifts.”

A painful and embarrassing pause ensued. It would have been useless, as far as themselves were concerned, to have named Charity Symons, even had Lovegrove or his wife been disposed to subject him to the penalties of the law and the anger of his employer.

"After all," observed the constable, who saw how the matters stood, "it is but a money penalty."

"A money penalty!" exclaimed Lovegrove. "It is imprisonment—ruin—starvation for my wife and child. Look at these bare walls—these threadbare garments—and say if it it can mean anything else!"

"I am sorry for it," rejoined Thompson. "The penalty is a considerable one: five pounds for each head of game, with costs; and I am afraid, if Sir John Devereux' agent—lawyer Nichols—presses the charge, in default of payment, six months' imprisonment! Sir John's preserves have suffered greatly of late!"

"It is that rascal, that robber Nichols' doing, then!" exclaimed Lovegrove. "I might have guessed so; but if I don't pay him off both for old and new one of these days—"

"Tut—tut!" interrupted the constable: "it's no use calling names, nor uttering threats we don't mean to perform. Perhaps matters may turn out better than you think. In the meantime you must appear before Squire Digby, and so must your hare and what remains of your breakfast."

Arrived before the magistrate, the prisoner, taken in "*flagrant délit*," had of course no valid defence to offer. The justice remarked upon the enormity of the offence committed, and regretted exceedingly that he could not at once convict and punish the delinquent; but as the statute required that two magistrates should concur in the conviction, the case would be adjourned till that day week, when a petty session would be held. In the meantime he should require bail in ten pounds for the prisoner's appearance. This would have been tantamount to a sentence of immediate imprisonment, had not the constable, who had been formerly intimate with

the Lovegroves, stepped forward and said, that if the prisoner would give him his word that he would not abscond, he would bail him. This was done, and the necessary formalities complete, the husband and wife took their sad way homewards.

What was now to be done? Their furniture, if sold at its highest value, would barely discharge the penalties incurred, and they would be homeless, penniless, utterly without resource! The wife wept bitterly, accusing herself as the cause of this utter ruin; her husband indulged in fierce and senseless abuse of Nichols, and in a paroxysm of fury seized a sheet of letter-paper, tore it hastily in halves, and scribbled a letter to the attorney full of threats of the direst vengeance. This crazy epistle he signed "A Ruined Man," and without pausing to reflect on what was doing, despatched his little boy to the post-office with it. This mad proceeding appeared to have somewhat relieved him: he grew calmer, strove to console his wife, went out and obtained credit at the chandler's—the first time they had made such a request—for a few necessities; and after a short interval, the unfortunate couple were once more discussing their sad prospects with calmness and partially-renewed hope. More than once Edward Lovegrove wished he had not sent the letter to Nichols; but he said nothing to his wife about it, and she, it afterwards appeared, had been so pre-occupied at the time, as not to heed or inquire to whom or of what he was writing.

On the third day after Edward Lovegrove's appearance before the magistrate, he set off about noon for Christchurch, in order to dispose of his flute—a sacrifice which could no longer be delayed. It was growing late, and his wife was sitting up in impatient expectation of his return, when an alarm of "Fire!" was raised, and it was announced that a



wheat-rick belonging to Nichols, who farmed in a small way, was in flames. Many of the villagers hastened to the spot; but the fire, by the time they arrived, had been effectually got under, and after hanging about the premises a short time, they turned homewards. Edward Lovegrove joined a party of them, and incidentally remarked that he had been to Christchurch, where he had met young Nichols, and had some rough words with him: on his return the young man had passed him on horseback, when about two miles distant from the elder Nichols' house, and just as he (Lovegrove) neared the attorney's premises, the rick burst into flames. This relation elicited very little remark at the time, and bidding his companion good-night, Lovegrove hastened home.

"The constables are looking for you," said a young woman; abruptly entering the chandler's shop, whither Edward Lovegrove had proceeded the following morning to discharge the trifling debt he had incurred.

"For me?" exclaimed the startled young man.

"Yes, for you; and, added the girl with a meaning look and whisper, "*if you were near the fire last night, I would advise you to make yourself scarce for a time.*"

Her words conveyed no definite meaning to Edward Lovegrove's mind. The fire! Constables after him! He left the shop, and took, with hasty steps, his way to the cottage, distant over the fields about a quarter of a mile.

"Lawyer Nichols' fire," he muttered, as he hurried along. "Surely they do not mean to accuse me of that!"

The sudden recollection of the threatening letter he had sent glanced across and smote, as with the stroke of a dagger, upon his brain. "Good God! to what have I exposed myself?"

His agitation was excessive; and at the instant the constables, who had been to his home in search of him, turned the corner of a path, a few paces ahead, and came full upon him. In his confusion and terror he turned to flee, but so weakly and irresolutely, that he was almost immediately overtaken and secured.

"I would not have believed this of you, Edward Lovegrove," exclaimed the constable.

"Believed what?" ejaculated the bewildered man.

"That you would have tried to revenge yourself on Lawyer Nichols by such a base, dastardly trick. But it's not my business to reproach you, and the less you say the better. Come along."

As they passed on towards the magistrate's house, an eager and curious crowd gradually collected and accompanied them; and just as they reached Digby Hall, a distant convulsive scream, and his name frantically pronounced by a voice which the prisoner but too well recognised, told him that his wife had heard of his capture, and was hurrying to join him. He drew back, but his captors urged him impatiently on; the hall door was slammed in the faces of the crowd, and he found himself in the presence of the magistrate and the elder Nichols.

The attorney, who appeared to be strongly agitated, deposed, in substance, that the prisoner had been seen by his son near his premises a few minutes before the fire burst out; that he had abused and assaulted young Mr. Nichols but a few hours previously in the market at Christchurch; and that he had himself received a threatening letter, which he now produced, only two days before, and which he believed to be the prisoner's handwriting —

The prisoner, bewildered by terror, eagerly denied that he wrote the letter.

This unfortunate denial was easily disposed of, by the production, by the constable, of a half sheet of letter paper found in the cottage, the ragged edge of which precisely fitted that of the letter. Edward Lovegrove would have been fully committed at once, but that the magistrate thought it desirable that the deposition of Arthur Nichols should be first formally taken. This course was reluctantly acquiesced in by the prosecutor, and the prisoner was remanded to the next day.

The dismay of Charity Symons, when he found that his well-intended present had only brought additional suffering upon the Lovegroves, was intense and bitter; but how to help them he knew not. He had half made up his mind to obtain—no matter by what means—a sight of certain papers which, he had long dimly suspected, would make strange revelations upon matters affecting Mary Lovegrove, when the arrest of her husband on a charge of incendiarism, thoroughly determined him to risk the expedient he had long hesitatingly contemplated. The charge, he was quite satisfied in his own mind, was an atrocious fabrication, strongly as circumstances seemed to color and confirm it.

The clerk, as he sat that afternoon in the office, silently pursuing his ill-paid drudgery, noticed that his employer was strangely ill at ease. He was restless, and savagely impatient of the slightest delay on the most necessary question. Evening fell early—it was now near the end of October, and Symons, with a respectful bow, left the office. A few minutes afterwards, the attorney having carefully locked his desk, iron chest, &c., and placed the keys in his pocket, followed.

Two hours had elapsed, when Symons re-entered the house by the back way, walked through the kitchen, softly ascended the stairs, and groped his way to the inner, private office. There was no moon, and he dared not light a candle; but the faint starlight fortunately enabled him to move about without stumbling or noise. He mounted the office steps, and inserted the edge of a broad sharp chisel between the lock and the lid of a heavy iron-bound box marked "C." The ease and suddenness with which the lid yielded to the powerful effort he applied to it, overthrew his balance, and he with difficulty saved himself from falling on the floor. The box was not locked, and on putting his hand into it, he discovered that it was entirely empty ! The tell-tale papers had been removed, probably destroyed ! At the moment Symons made this exasperating discovery, the sound of approaching footsteps struck upon his startled senses, and shaking with fright, he had barely time to descend the steps, and coop himself up in a narrow cupboard under one of the desks, when the Nichols, father and son, entered the office—the former with a candle in his hand.

"We are private here," said the father in a low, guarded voice; "and I tell you you *must* listen to reason."

"I don't like it a bit," rejoined the young man. "It's a cowardly, treacherous business; and as for swearing I saw him near the fire when it so strangely burst out, I won't do it at any price."

"Listen to me, you foolish, headstrong boy," retorted the elder Nichols, "before you decide on beggary for yourself, and ruin—the gallows, perhaps, for me."

"Wh-e-e-w ! Why, what do you mean ?"

"I will tell you. You already know that Mary Woodhouse

married Robert Clarke against his uncle's consent; you also know that Robert Clarke died about five years after the marriage, and that the seventy pounds a year which the uncle allowed his nephew, to keep him from starvation, was continued to be paid through me to his widow."

"Yes, I've heard all this before."

"But you do *not* know," continued the attorney in an increasingly agitated voice, "that about six years after Robert Clarke's death, the uncle so far relented towards the widow and daughter—though he would never see either of them—as to increase the annuity to two hundred pounds, and that at his death, four years since, he bequeathed Mrs. Clarke five hundred pounds per annum, with succession to her daughter: all of which sums, I, partly on account of your riot and extravagance, have appropriated."

"Good heaven—what a horrible affair! What would you have me do?"

"I have told you. The dread of discovery has destroyed my health, and poisoned my existence. Were he once out of the country, his wife would doubtless follow him; detection would be difficult; conviction, as I will manage it, impossible."

There was more said to the same effect; and the son, at the close of a long and troubled colloquy, departed, after promising to "consider of it."

He had been gone but a few minutes; the elder Nichols was silently meditating the perilous position in which he had placed himself, when a noiseless step approached him from behind, and a heavy hand was suddenly placed upon his shoulder. He started wildly to his feet, and confronted the stern and triumphant glance of the once humble and submis-



sive Charity Symons. The suddenness of the shock overcame him, and he fainted.

Mary Lovegrove, whose child had sobbed itself to sleep, was sitting in solitude and darkness in the lower room of the cottage, her head bowed in mute and tearless agony upon the table, when, as on a previous evening, a tap at the back window challenged her attention. It was once more Charity Symons. "What do you here again?" exclaimed the wretched wife with some asperity of tone: "you no doubt intend well; but you have nevertheless ruined, destroyed me."

"Not so," rejoined the deformed clerk, his pale, uncouth, but expressive features gleaming with wild exultation in the clear starlight. "God has at last enabled me to requite your kindness to a condemned outcast. Fear not for to-morrow. Your husband is safe, and you are rich." With these words he vanished.

On the next morning a letter was placed in the magistrate's hands from Mr. Nichols, stating that circumstances had come to the writer's knowledge, which convinced him that Edward Lovegrove was entirely innocent of the offence imputed to him; that the letter, which he had destroyed, bore quite another meaning from that which he had at first attributed to it; and that he consequently abandoned the prosecution. On further inquiry, it was found that the attorney had left his house late the preceding night, accompanied by his son, had walked to Christchurch, and from thence had set off post for London. His property and the winding up of his affairs had been legally confided to his late clerk. Under these circumstances the prisoner was of course immediately discharged; and after a private interview with Symons, returned in joy and gladness to his now temporary home. He was accompa-

nied by the noisy felicitations of his neighbors, to whom his liberation and sudden accession to a considerable fortune had become at the same moment known. As he held his passionately-weeping wife in his arms, and gazed with grateful emotion in her tearful but rejoicing eyes, he whispered, "That kind act of yours towards the despised hunchback has saved me and enriched our child. 'Blessed are the merciful, for they shall obtain mercy!'"

## TALE OF EUGENE ARAM.

IN the year 1758, a man digging for limestone, near a place called St. Robert's Cave, in the parish of Knaresborough, county of York, found the bones of a human body. Suspecting these to be the remains of some one who had been murdered, he gave information of his discovery in the town of Knaresborough, where the people thrown into great excitement by the intelligence, endeavored to recollect if any one had of late years been missed from that neighborhood. It was remembered by a particular individual, that one Daniel Clarke, a shoemaker, had disappeared about thirteen years before, and had never again been heard of. On further inquiry, it was ascertained that he had disappeared under circumstances which occasioned a suspicion of his having acted fraudulently. He had borrowed a considerable quantity of plate, under pretence of being commissioned to collect that article for exportation. Being then just married, he had also borrowed some articles of household furniture and wearing apparel, for the purpose, as he pretended, of giving an entertainment to his friends. After his disappearance, two persons named Houseman and Aram, were suspected of having aided him in the fraud. Their houses were searched, and some of the miscellaneous articles found, but no plate, which it was then supposed that Clarke must have made off with; and thus

the matter ended. It was now recollected that the wife of Aram, who was subsequently deserted by him, had said to some one that she knew what would peril the life of her husband and some other persons. An inquest being held upon the skeleton, all these circumstances were brought forward as evidence.

To this inquest the coroner summoned Richard Houseman, one of the individuals suspected at the time of having assisted Clarke in his fraud. This man entered the room in a state of great agitation, and with strong marks of fear in his countenance and voice. Taking up one of the bones, he used the remarkable expression, "This is no more Dan. Clarke's bone than it is mine;" which convinced the jury that he knew something more about the matter. He was ultimately prevailed on to acknowledge that he was privy to the murder of Clarke, and that his bones were buried in St. Robert's Cave, not far from the place where those now before the jury had been found. On a search being made, the bones were found exactly in the place and posture which he described. He stated the actual murderer to be his former friend Eugene Aram, who now acted as usher in the school of Lynn, in Norfolk. A warrant was immediately sent off for the apprehension of Aram, who was found peacefully engaged in his ordinary business. The profession of this man, his mature age, and the reputation which he bore for great learning, conspired to render his apprehension as a murderer a matter of the greatest surprise to the inhabitants of the place where he lived. He at first denied that he had ever been at Knaresborough, or knew Daniel Clarke, but, on the introduction of a person who was acquainted with him at that town, he saw fit to acknowledge his former residence in it.

Eugene Aram was a native of Yorkshire, and connected by birth with some of the families of gentry in that county. The circumstances of his parents are not stated, but he appears to have entered life in the character of a poor scholar. Having adopted the business of teaching, he devoted himself to the acquisition of knowledge with an ardor equalling that of the most distinguished scholars. After acting as an usher in various situations, he had settled in 1734 at Knaresborough, where, eleven years after, he committed the crime for which he was now apprehended. By an early and imprudent marriage, he had added to the embarrassment of his circumstances; yet his pursuit of knowledge continued unabated. When we learn that the man who associated with such low persons as Clarke and Houseman, was deeply skilled in the ancient and modern languages, including the Hebrew, Arabic, and Celtic, and was alike conversant in the belles letters, in antiquities, and in several branches of modern science, our wonder amounts almost to disbelief: yet there can be no doubt of the fact. He had even, before his apprehension, advanced a great way in a comparative polyglot lexicon, upon a new, and for that age, profound plan, in which it seems not unlikely, that, if it had been carried into effect, he might have anticipated some of the honors of the German philologists. He had also composed several tracts upon British antiquities. In a fiction grounded upon his story by one of the most delightful of modern novelists, his thirst for knowledge is seized with admirable art as a means of palliating his crime: he is there represented as entering into the base plans of his accomplices, for the purpose of supplying the means of study. But no such motive can be traced in his real story, which simply sets him down as a remarkable example of capacity and talent,



degraded and lost through moral infirmity. Yet, even while we execrate the atrocious guilt of Aram, such is the homage we naturally yield to intellectual superiority, such the sympathy we accord to the painful struggles of the mind devoted to knowledge, that he has never been reckoned one of the herd of ordinary criminals. In Caulfield's Portraits there is a genuine likeness of this singular man—an intellectual but melancholly countenance, forming a touching commentary on his history.

At the trial of Aram, which took place before the York assizes, on the 3d of August, 1759. Richard Houseman was admitted as king's evidence, and gave a minute narration of the murder, slightly distorted, it was supposed, in order to lighten his own share of blame. According to the witness, Clarke had received his wife's fortune, amounting to £160, on the night before he was murdered. He called at Aram's with this sum in his pocket, and also carrying the plate which he had obtained among his friends. He and Houseman, at the request of Aram, walked out in the direction of St. Robert's Cave, where the party had no sooner arrived than Aram knocked down Clarke and murdered him. Houseman, according to his own account, then retired; but it afterwards appeared that he had assisted in burying the body in the cave. The clothes of the murdered man were brought to Aram's house, and burnt, but not without betraying the secret to Mrs. Aram. After this and other evidence had been given, Aram, delivered a written defence, in which he endeavored, by the exercise of much ingenuity and a show of curious learning, to make up for the want of living exculpatory evidence.

"First, my lord, the whole tenor of my conduct in life contradicts every particular of this indictment. Yet I had never

said this, did not my present circumstances extort it from me, and seem to make it necessary. Permit me here, my lord, to call upon malignity itself, so long and cruelly busied in this prosecution, to charge upon me any immorality, of which prejudice was not the author. No, my lord, I concerted no schemes of fraud, projected no violence, injured no man's person or property. My days were honestly laborious, my nights intensely studious. And I humbly conceive my notice of this, especially at this time, will not be thought impertinent or unreasonable, but at least deserving some attention: because, my lord, that any person, after a temperate use of life, a series of thinking and acting regularly, and without one single deviation from sobriety, should plunge into the very depth of profligacy precipitately and at once, is altogether improbable and unprecedented, and absolutely inconsistent with the course of things. Mankind is never corrupted at once; villainy is always progressive, and declines from right, step by step, till every regard of probity is lost, and every sense of all moral obligation totally perishes.

"Again, my lord, a suspicion of this kind, which nothing but malevolence could entertain, and ignorance propagate, is violently opposed by my very situation at that time, with respect to health; for, but a little space before, I had been confined to my bed, and suffered under a very long and severe disorder, and was not able, for half a year together, so much as to walk. The distemper left me indeed, yet slowly and in part; but so macerated, so enfeebled that I was reduced to crutches, and was so far from being well about the time I am charged with this fact, that I never till this day perfectly recovered. Could, then, any person in this condition take any thing into his head so unlikely, so extravagant? I, past the vigor of

my age, feeble and valetudinary, with no inducement to engage, no ability to accomplish, no weapon wherewith to perpetrate such a fact; without interest, without power, without motive, without means.

“Besides, it must needs occur to every one that an action of this atrocious nature is never heard of, but, when its springs are laid open, it appears that it was to support some indolence, or supply some luxury; to satisfy some avarice, or oblige some malice; to prevent some real or some imaginary want: yet I lay not under the influence of any one of these. Surely, my lord, I may, consistent with both truth and modesty, affirm thus much; and none who have any veracity, and knew me, will ever question this.”

[He then endeavors, by instances, to show that the disappearance of a man is but an imperfect argument for the supposition of his being dead.]

“Permit me next, my lord, to observe a little upon the bones which have been discovered. It is said, which perhaps is saying very far, that these are the skeleton of a man. It is possible—indeed they may; but is there any certain known criterion which incontestibly distinguishes the sex in human bones? Let it be considered, my lord, whether the ascertaining of this point ought not to precede any attempt to identify them.

“The place of their depositum, too, claims much more attention than is commonly bestowed upon it; for of all places in the world, none could have mentioned any one, wherein there was greater certainty of finding human bones, than a hermitage, except he should point out a church-yard: hermitages, in times past, being not only places of religious retirement, but of burial too. And it has scarcely ever been heard of,

but that every cell now known contains, or contained, these relics of humanity; some mutilated, and some entire. I do not inform, but give me leave to remind your lordship, that here sat solitary sanctity, and here the hermit, or the anchoress, hoped that repose for their bones, when dead, they here enjoyed when living.

"1. The bones, as was supposed, of the Saxon St. Dubritius, were discovered buried in his cell at Guy's Cliff, near Warwick, as appears from the authority of Sir William Dugdale.

"2. The bones thought to be those of the anchoress of Rosia, were but lately discovered in a cell at Royston, entire, fair, and undecayed, though they must have lain interred for several centuries, as is proved by Dr. Stukeley.

"3. But our own county, nay, almost this neighborhood, supplies another instance; for in January, 1747, were found by Mr. Stovin, accompanied by a reverend gentleman, the bones in part of some recluse, in the cell at Lindholm, near Hatfield. They were believed to be those of William of Lindholm, a hermit, who had long made this cave his habitation.

"4. In February, 1744, part of Woburn Abbey being pulled down, a large portion of a corpse appeared, even with the flesh on, and which bore cutting with a knife; though it is certain this had lain above two hundred years, and how much longer is doubtful; for this abbey was founded in 1145, and dissolved in 1538 or 9.

"What would have been said, what believed, if this had been an accident to the bones in question?

"Further, my lord, it is not yet out of living memory, that a little distance from Knaresborough, in a field, part of the

manor of the worthy and patriotic baronet who does that borough the honor to represent it in Parliament, were found in digging for gravel, not one human skeleton only, but five or six deposited side by side, with each an urn placed on its head, as your lordship knows was usual in ancient interments.

"About the same time, and in another field almost close to this borough, was discovered also, in searching for gravel, another human skeleton; but the piety of the same worthy gentleman ordered both pits to be filled up again, commendably unwilling to disturb the dead.

"Is the invention of those bones forgotten, then, or industriously concealed, that the discovery of these in question may appear the more singular and extraordinary? whereas, in fact, there is nothing extraordinary in it. My lord, almost every place conceals such remains. In fields, in hills, in highway sides, in commons, lie frequent and unsuspected bones. And our present allotment of rest for the departed, is but of some centuries.

"Another particular seems not to claim a little of your lordship's notice, and that of the gentlemen of the jury; which is, that perhaps no example occurs of more than *one* skeleton being found in *one cell*; and in the cell in question there was but *one*; agreeable in this to the peculiarity of every other known cell in Britain. Not the invention of one skeleton, then, but of two, would have appeared suspicious and uncommon.

"But it seems another skeleton has been discovered by some laborer, which was full as confidently averred to be Clarke's as this. My lord, must some of the living, if it promotes some interest be made answerable for all the bones that the earth has concealed, or chance exposed? And might not a place where bones lay be mentioned by a person by chance, as well



as found by a laborer by chance? Or, is it more criminal accidentally to *name* where bones lie, than accidentally to *find* where they lie?"

[He then adverts to the damage found to have been inflicted upon the skull, which he shows might have been occasioned in the course of the ravages committed at the Reformation.]

"Moreover, what gentleman here is ignorant that Knaresborough had a castle, which, though fallen to ruins, was once considerable both for its strength and garrison? All know it was vigorously besieged by the arms of the Parliament; at which siege, in sallies, conflicts, fights, pursuits, many fell in all the places round it, and where they fell were buried; for every place, my lord, is burial earth in war; and many, questionless, of these rest yet unknown, whose bones futurity shall discover.

"I hope, with all imaginable submission, that what has been said will not be thought impertinent to this indictment: and that it will be far from the wisdom, the learning, and the integrity of this place, to impute to the living what zeal in its fury may have done; what nature may have taken off, and piety interred; or what war alone may have destroyed, alone deposited.

"As to the circumstances that have been raked together, I have nothing to observe; but that all circumstances whatsoever are precarious, and have been but too frequently found lamentably fallible; even the strongest have failed. They may rise to the highest degree of probability, yet are they but probability still. Why need I name to your lordship the two Harrisons, recorded in Dr. Howel, who both

suffered upon circumstances, because of the sudden disappearance of their lodger, who was in credit, had contracted debts, borrowed money, and went off unseen, and returned again a great many years after their execution? Why name the intricate affairs of Jacques de Moulin, under King Charles II., related by a gentleman who was counsel for the crown? and why the unhappy Coleman, who suffered innocent, though convicted upon positive evidence; and whose children perished from want, because the world uncharitably believed the father guilty? Why mention the perjury of Smith, incautiously admitted king's evidence; who, to screen himself, equally accused Faircloth and Loveday of the murder of Dun, the first of whom, in 1749, was executed at Winchester, and Loveday was about to suffer at Reading, had not Smith been proved perjured, to the satisfaction of the court, by the surgeon of the Gosport Hospital?

"Now, my lord, having endeavored to show that the whole of this process is altogether repugnant to every part of my life; that it is inconsistent with my condition of health about that time; that no rational inference can be drawn that a person is dead who suddenly disappears; that hermitages were the constant repositories of the bones of the recluse; that the proofs of this are well authenticated; that the revolutions in religion, or the fortune of war, have mangled or buried the dead; the conclusion remains, perhaps, no less reasonably than impatiently wished for. I, last, after a year's confinement, equal to either fortune, put myself upon the candor, the justice, and the humanity of your lordship, and upon yours, my countrymen, gentlemen of the jury."

Notwithstanding this elaborate but specious defence, the guilt of Aram was too clear to admit of doubt, and he accordingly received sentence of death. He afterwards confessed the crime to the clergyman appointed to attend him, but ascribed it to the passion of jealousy. On the morning of his execution, he was found almost dead in his bed, in consequence of a wound which he had inflicted upon his arm with a razor ; a paper, in which he attempted a justification of suicide, being found upon a table by his side. His body, after execution, was exposed in chains at the scene of his guilt.

---

## THE DREAM OF EUGENE ARAM.\*

## I.

'Twas in the prime of summer time,  
An evening calm and cool,  
When four-and-twenty happy boys  
Came bounding out of school ;  
There were some that ran, and some that leapt,  
Like troutlets in a pool.

## II.

Away they sped with gamesome minds,  
And souls untouch'd by sin ;  
To a level mead they came, and there  
They drave the wickets in :  
Pleasantly shone the setting sun  
Over the town of Lynn.

\* The late Admiral Burney, who attended the school in which Eugene Aram was a teacher, states that he was much liked by the pupils, to whom he was accustomed to discourse of murder in the style attributed to him in the following poem by the lamented Hood.

## III.

Like sportive deer they coursed about,  
And shouted as they ran—  
Turning to mirth all things of earth,  
As only boyhood can:  
But the usher sat remote from all,  
A melancholy man!

## IV.

His hat was off, his vest apart  
To catch Heaven's blessed breeze;  
For a burning thought was on his brow  
And his bosom ill at ease:  
So he leaned his head on his hand, and read  
The book between his knees.

## V.

Leaf after leaf he turned it o'er,  
Nor ever glanced aside;  
For the peace of his soul he read that book,  
In the golden eventide:  
Much study had made him very lean,  
And pale and leaden-eyed.

## VI.

At last he shut the ponderous tome;  
With a fast and fervid grasp—  
He strained the dusky covers close,  
And fixed the brazen hasp:  
"O God! could I so close my mind,  
And clasp it with a clasp."

## VII.

Then leaping on his feet upright,  
Some moody turns he took—  
Now up the mead, then down the mead,  
And past a shady nook—  
And lo! he saw a little boy  
That pored upon a book.

## VIII.

"My gentle lad, what is't you read—  
Romance, or fairy fable;  
Or, is it some historic page  
Of kings and crowns unstable?"  
The young boy gave an upward glance—  
"*It is the Death of Abel.*"

## IX.

The usher took six hasty strides,  
As smite with sudden pain—  
Six hasty strides beyond the place,  
Then slowly back again;  
And down he sat beside the lad,  
And talked with him of Cain.

## X.

And long since then, of bloody men,  
Whose deeds tradition saves;  
Of lonely folk, cut off unseen,  
And hid in sudden graves;  
Of horrid stabs, in groves forlorn,  
And murders done in caves!

## XI.

And how the sprites of injured men  
Shriek upward from the sod—  
And how the ghostly hand will point  
To show the burial clod:  
And unknown facts of guilty acts  
Are seen in dreams from God!

## XII.

He told how murderers walked the earth  
Beneath the curse of Cain—  
With crimson clouds before their eyes,  
And flames about their brain;  
For blood had left upon their souls  
Its everlasting stain!



## XIII.

"And well," quoth he, "I know, for truth,  
Their pangs must be extreme—  
Wo, wo, unutterable wo—  
Who spill life's sacred stream!  
For why? methought last night, I wrought  
A murder in a dream!

## XIV.

"One that had never done me wrong—  
A feeble man and old;  
I led him to a lonely field,  
The moon shone clear and cold;  
Now, here, said I, this man shall die,  
And I will have his gold!

## XV.

"Two sudden blows with a ragged stick,  
And one with a heavy stone,  
One horrid gash with a hasty knife—  
And then the deed was done;  
There was nothing lying at my feet,  
But lifeless flesh and bone!

## XVI.

"Nothing but lifeless flesh and bone,  
That could not do me ill;  
And yet I feared him all the more,  
For lying there so still;  
There was a manhood in his look,  
That murder could not kill!

## XVII.

And lo! the universal air  
Seemed lit with ghastly flame—  
Ten thousand thousand dreadful eyes  
Were looking down in blame;  
I took the dead man by the hand,  
And called upon his name!

## XVIII.

"Oh God! it made me quake to see  
Such sense within the slain!  
But when I touched the lifeless clay,  
The blood gushed out amain!  
For every clot, a burning spot  
Was scorching in my brain!

## XIX.

"My head was like an ardent coal,  
My heart was solid ice;  
My wretched, wretched soul I knew,  
Was at the devil's price;  
A dozen times I groaned; the dead  
Had never groaned but twice!

## XX.

"And now from forth the frowning sky,  
From the heaven's topmost height  
I heard a voice—the awful voice  
Of the blood-avenging sprite;  
'Thou guilty man! take up thy dead,  
And hide it from my sight!"

## XXI.

"I took the dreary body up,  
And cast it in a stream—  
A sluggish water, black as ink,  
The death was so extreme,  
(My gentle boy, remember this  
Was nothing but a dream).

## XXII.

"Down went the corse with a hollow plunge,  
And vanished in a pool:  
Anon I cleaned my bloody hands,  
And washed my forehead cool,  
And sat among the urchins young  
That evening in the school.

## XXIII.

" Oh heaven! to think of their white souls,  
And mine so black and grim!  
I could not share in childish prayer,  
Nor join in evening hymn;  
Like a devil of the pit I seem'd,  
'Mid holy cherubim.

## XXIV.

" And peace went with them, one and all,  
And each calm pillow spread;  
But Guilt was my grim chamberlain,  
That lighted me to bed,  
And drew my midnight curtains round,  
With fingers bloody red!

## XXV.

" All night I lay in agony,  
From weary chime to chime,  
With one besetting horrid hurt,  
That racked me all the time,  
A mighty yearning, like the first  
Fierce impulse unto crime!

## XXVI.

" One stern, tyrannic thought, that made  
All other thoughts its slave;  
Stronger and stronger every pulse  
Did that temptation crave—  
Still urging me to go and see  
The dead man in his grave.

## XXVII.

" Heavily I rose up—as soon  
As light was in the sky,—  
And sought the black, accursed pool,  
With a wild misgiving eye,  
And I saw the dead in the river bed,  
For the faithless stream was dry!

## XXVIII.

" Merrily rose the lark, and shook  
The dew-drop from its wing ;  
But I never marked its morning flight,  
I never heard it sing :  
For I was stooping once again  
Under the horrid thing.

## XXIX.

" With breathless speed, like a soul in chase,  
I took him up and ran—  
There was no time to dig a grave  
Before the day began ;  
In a lonesome wood, with heaps of leaves,  
I hid the murdered man !

## XXX.

" And all that day I read in school,  
But my thought was elsewhere ;  
As soon as the mid-day task was done,  
In secret I was there :  
And a mighty wind had swept the leaves  
And still the corse was bare !

## XXXI.

" Then down I cast me on my face,  
And fast began to weep,  
For I knew my secret then was one  
That Earth refused to keep ;  
Or land or sea, though he should be  
Ten thousand fathoms deep !

## XXXII.

" So wills the fierce avenging sprito,  
Till blood for blood atones !  
Ay, though he's buried in a cave,  
And trodden down with stones,  
And years have rotted off his flesh—  
The world shall see his bones !

## XXXIII.

"Oh God, that horrid, horrid dream  
Besets me now awake !  
Again—again, with a dizzy brain,  
The human life I take :  
And my red right hand grows raging hot,  
Like Cranmer's at the stake.

## XXXIV.

"And still no peace for the restless clay  
Will wave or mould allow ;  
The horrid thing that pursues my soul—  
It stands before me now !"  
The fearful boy looked up, and saw  
Huge drops upon his brow !

## XXXV.

That very night, while gentle sleep  
The urchin's eyelids kissed,  
Two stern-faced men set out from Lynn ,  
Through the cold and heavy mist ;  
And Eugene Aram walked between  
With gyves upon his wrist.

T. HOOD.



## THE FORCE OF FEAR.

At the close of the winter of 1825-26, about dusk in the afternoon, just as the wealthy dealers in the Palais-Royal at Paris were about lighting their lamps and putting up their shutters, (the practice of the major part of them at nightfall,) a well-known money-changer sat behind his counter alone, surrounded by massive heaps of silver and gold, the glittering and sterling currency of all the kingdoms of Europe. He had well-nigh closed his operations for the day, and was enjoying in anticipation the prospect of a good dinner. Between the easy-chair upon which he reclined in perfect satisfaction, and door which opened into the north side of the immense quadrangle of which the splendid edifice above-mentioned is composed, arose a stout wire partition, reaching nearly to the ceiling, and resting upon the counter, which traversed the whole length of the room. Thus he was effectually cut off from all possibility of unfriendly contact from any of his occasional visitors ; while a small sliding-board that ran in and out under the wire partition served as the medium of his peculiar commerce. Upon this he received every coin, note, or draft presented for change ; and having first carefully examined it, returned its value, by the same conveyance, in the coin of France, or indeed of any country required. Behind him was a door communicating with his domestic chambers, and in the middle of the counter was another, the upper

King of Spain takes our ships, plunders our merchants, kills and tortures our men ; but what of all that ? What he does is good ; he's a great man, he is clothed in purple, his instruments of murder are bright and shining, mine was but a rusty gun ; and so much for comparison.

" Now I would fain know what authority there is in Scripture for a rich man to murder, to plunder, to torture, to ravage whole countries ; and what law it is, that condemns a poor man to death for killing a solitary man, or for stealing a solitary sheep to feed his family ? But bring the matter closer to our own country ; what is the difference between running in a poor man's debt, and by the power of gold, or any other privilege, preventing him from obtaining his right, and clapping a pistol to a man's breast and taking from him his purse ? Yet the one shall thereby obtain a coach, and honors, and titles. The other—What ? —A cart and a rope.

" From what I have said, my brethren, you may perhaps imagine that I am hardened ; but believe me, I am fully convinced of my follies, and acknowledge the just judgment of God has overtaken me ; I have no hopes, but from the merits of my Redeemer, who I hope will have mercy on me, as he knows that murder was far from my heart, and what I did was through rage and passion, being provoked thereto by the deceased.

" Take warning, my dear comrades. Think ! Oh think ! What would I now give, that I had lived another life ! "

## A SINGULAR DYING SPEECH.

THE following extraordinary address was publicly made on the scaffold at Wicklow, in Ireland, in 1738, by a man named George Manly, just before he was hanged for murder. He spoke in these words :—" My friends,—You assemble to see—What ?—A man take a leap in the abyss of death. Look, and you shall see me go with as much courage as Curtius, when he leapt into the gulph to save his country from destruction. What then will you say of me ? You say, that no man without virtue can be courageous. You see I am courageous. You'll say I have killed a man. Marlborough killed his thousands, and Alexander his millions : Marlborough and Alexander, and many others who have done the like, are famous in history for great men. But I killed one solitary man. Ay, that's the case. One solitary man. I'm a little murderer, and must be hanged. Marlborough and Alexander plundered countries. They were great men. I ran in debt with the ale-wife ; I must be hanged.

" Now, my friends, I have drawn a parallel between two of the greatest men that ever lived, and myself ; but these were men of former days. Now I'll speak a word of some of the present days : how many men were lost in Italy and upon the Rhine, during the last war, for settling a king in Poland ! Both sides could not be right ; they are great men ; but I killed a solitary man, I'm a little fellow. The

part of which formed a portion of the wire partition above described.

The denizen of this little chamber had already closed his outer shutters, and was just on the point of locking up his doors and retiring to his repast, when two young men entered. They were evidently Italians, from their costume and peculiar dialect. Had it been earlier in the day, when there would have been sufficient light to have discerned their features and expression, it is probable that our merchant would have defeated their plans, for he was well skilled in detecting the tokens of fraud or design in the human countenance. But they had chosen their time too appropriately. One of them, advancing towards the counter, demanded change in French coin for an English sovereign, which he laid upon the sliding board, and passed through the wire partition. The money-changer rose immediately, and having ascertained that the coin was genuine, returned its proper equivalent by the customary mode of transfer. The Italians turned as if to leave the apartment, when he who had received the money suddenly dropped the silver, as thought accidentally, upon the floor. As it was now nearly dark, it was scarcely to be expected that they could find the whole of the pieces without the assistance of a light. This the unconscious merchant hastened to supply; and unlocking, without suspicion, the door of the partition between them, stooped with a candle over the floor in search of the lost coin. In this position the unfortunate man was immediately assailed with repeated stabs from a poniard, and he at length fell, after a few feeble and ineffectual struggles, senseless, and apparently lifeless, at the feet of his assassins.

A considerable time elapsed ere, by the fortuitous entrance of a stranger, he was discovered in this dreadful situation ; when it was found that the assassins, having first helped themselves to an almost incredible amount of money, had fled, without anything being left by which a clue might have been obtained to their retreat.

The unfortunate victim of their rapacity and cruelty was, however, not dead. Strange as it may appear, although he had received upwards of twenty wounds, several of which plainly showed that the dagger had been driven to the very hilt, he survived ; and in a few months after the event, was again to be seen in his long-accustomed place at the changer's board. In vain had the most diligent search been made by the military police of Paris for the perpetrators of this detestable deed. The villians had eluded all inquiry and investigation, and would in all probability have escaped undiscovered with their booty but for a mutually-cherished distrust of each other. Upon the first and complete success of their plan, the question arose, how to dispose of their enormous plunder, amounting to more than a hundred thousand pounds. Fearful of the researches of the police, they dared not retain it at their lodgings. To trust a third party with their secret was not to be thought of. At length, after long and anxious deliberation, they agreed to conceal the money outside the barriers of Paris until they should have concocted some safe plan for transporting it to their own country. This they accordingly did, burying the treasure under a tree about a mile from the Barrière d'Enfer. But they were still as far as ever from a mutual understanding. When



they separated, on any pretence, each returned to the spot which contained the stolen treasure, where of course he was sure to find the other. Suspicion thus formed and fed soon grew into dislike and hatred, until, at length, each loathing the sight of the other, they agreed finally to divide the booty, and then eternally to separate, each to the pursuit of his own gratification. It then became necessary to carry the whole of the money home to their lodgings in Paris, in order that it might, according to their notions, be equitably divided.

The reader must here be reminded that there exists in Paris a law relative to wines and spirituous liquors which allows them to be retailed at a much lower price without the barriers than that at which they are sold within the walls of the city. This law has given rise, among the lower orders of people, to frequent attempts at smuggling liquors in bladders concealed about their persons, often in their hats. The penalty for the offence was so high, that it was very rarely enforced, and practically it was very seldom, indeed, that the actual loss incurred by the offending party was anything more than the paltry venture, which he was generally permitted to abandon, making the best use of his heels to escape any further punishment. The gendarmes planted at the different barriers generally made a prey of the portables which they captured, and were consequently interested in keeping a good look out for offenders. It was this vigilance that led to the discovery of the robbers ; for, not being able to devise any better plan for the removal of the money than that of secret-  
ing it about their persons, they attempted thus to carry

out their object. But as one of them, heavily encumbered with the golden spoils was passing through the Barrière d'Enfer, one of the soldier-police who was on duty as sentinel, suspecting from his appearance and hesitating gait, that he carried smuggled liquors in his hat, suddenly stepped behind him and struck it from his head with his halberd. What was his astonishment to behold, instead of the expected bladder of wine or spirits, several small bags of gold and rolls of English bank-notes ! The confusion and prevarication of the wretch, who made vain and frantic attempts to recover the property, betrayed his guilt, and he was immediately taken into custody, together with his companion, who, following at a very short distance, was unhesitatingly pointed out by his cowardly and bewildered confederate as the owner of the money. No time was lost in conveying intelligence of their capture to their unfortunate victim, who immediately identified the notes as his own property, and at the first view of the assassins swore distinctly to the persons of both—to the elder, as having repeatedly stabbed him ; and to the younger, as his companion and coadjutor.

The criminals were in due course of time tried, fully convicted, and, as was to be expected, sentenced to death by the guillotine ; but, owing to some technical informality in the proceedings, the doom of the law could not be carried into execution until the sentence of the court had been confirmed upon appeal. This delay afforded time and opportunity for some meddling or interested individual—either moved by the desire of making a cruel experiment, or else by the hope of obtaining a reversal of the capital

sentence against the prisoners—to work upon the feelings of the unfortunate money-changer. A few days after the sentence of death had been pronounced, the unfortunate victim received a letter from an unknown hand, mysteriously worded, and setting forth, in expressions that seemed to him fearfully prophetic, that the thread of his own destiny was indissolubly united with that of his condemned assassins. It was evidently out of their power to take away *his* life ; and it was equally out of his power to survive *them*, die by the sentence of the law, or how or when they might : it became clear, so argued this intermeddler—that the same moment which saw the termination of their lives, would inevitably be the last of his own. To fortify his arguments, the letter writer referred to certain mystic symbols in the heavens. Now, though the poor man could understand nothing of the trumpery diagrams which were set forth as illustrating the truth of the fatal warning thus conveyed to him, and though his friends universally laughed at the trick as a barefaced attempt of some anonymous imposter to rob justice of her due, it nevertheless made a deep impression upon his mind. Ignorant of everything but what related immediately to his own money-getting profession, he had a blind and undefined awe of what he termed the supernatural sciences, and he inwardly thanked the kind monitor who had given him at least a chance of redeeming his days.

He immediately set about making application to the judges, in order to get the decree of death changed into a sentence to the galleys for life. He was equally surprised and distressed to find that they treated his petition with

contempt, and ridiculed his fears. So far from granting his request, after repeated solicitations, they commanded him in a peremptory manner to appear no more before them. Driven almost to despair, he resolved upon petitioning the king ; and after much expense and toil, he at length succeeded in obtaining an audience of Charles X. All was in vain. A crime so enormous, committed with such cool deliberation, left no opening for the plea of mercy : every effort he made only served to strengthen the resolution of the authority to execute judgment. Finding all his efforts in vain, he appeared to resign himself despairingly to his fate. Deprived of all relish even for gain, he took to his bed, and languished in hopeless misery, and as the time for the execution of the criminals approached, lapsed more and more into terror and dismay.

It was on a sultry afternoon in the beginning of June, 1826, that the writer of this brief narrative—then a not too thoughtful lad, in search of employment in Paris—hurried, together with a party of sight-seeing English workmen, to the Place de Gréves to witness the execution of the two assassins of the money-changer. Under the rays of an almost insupportable sun, an immense crowd had congregated around the guillotine ; and it was not without considerable exertion, and a bribe of some small amount, that standing-places were at length obtained within a few paces of the deathful instrument, upon the flat top of the low wall which divides the ample area of the Place de Gréve from the river Seine.

Precisely at four o'clock the sombre cavalcade approached. Seated upon a bench in a long cart, between two priests,

sat the wretched victims of retributive justice. The crucifix was incessantly exhibited to their view, and presented to their lips to be kissed, by ghostly attendants. After a few minutes of silent and horrible preparation, the elder advanced upon the platform of the guillotine. With lived aspect and quivering lips, he gazed around in unutterable agony upon the sea of human faces ; then lifting his haggard eyes to heaven, he demanded pardon of God and the people for the violation of the great prerogative of the former, and the social rights of the latter, and besought, most earnestly the mercy of the Judge, into whose presence he was about to enter. In less than two minutes both he and his companion were headless corpses, and in a quarter of an hour no vestige, save a few remains of saw-dust, was left of the terrible drama that had been enacted. Soon, however, a confused murmur pervaded the crowd—a report that the victim of cruelty and avarice had realised the dread presentiment of his own mind, and justified the prediction contained in the anonymous letter he had received. On inquiry this was found to be true. As the signal rung out for execution, the unhappy man, whom twenty-two stabs of the dagger had failed to kill, expired in a paroxysm of terror—added one more to many examples already upon record of the fatal force of fear upon an excited imagination.



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